



General Assembly

Substitute Bill No. 5602

January Session, 2015



AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) If a tree located on
2 private real property, other than real property owned by a political
3 subdivision of the state or a nonprofit organization qualified as a tax-
4 exempt organization under Section 501(c)(3) of the Internal Revenue
5 Code of 1986, or any subsequent corresponding internal revenue code
6 of the United States, as amended from time to time, or a limb from
7 such tree falls on an adjoining private property owner's land, the
8 owner of the real property from which such tree or limb fell shall be
9 liable for the expenses of removing such tree or limb from such
10 adjoining private property owner's land, if, prior to such tree or limb
11 falling: (1) An arborist, as defined in section 23-61a of the general
12 statutes, inspected the tree and documented that the tree or limb was
13 diseased or likely to fall; (2) the adjoining private property owner
14 provided written notice by certified mail to the owner of the real
15 property from which such tree or limb fell that the tree or limb was
16 diseased or likely to fall and requested that such tree or limb be
17 removed or pruned; and (3) the owner of the real property from which
18 such tree or limb fell failed to remove or prune such tree or limb
19 within thirty days of the date of receiving such written notice. If the
20 arborist requires access to the property to inspect the tree and the

21 property owner on which such tree is located refuses consent for such
22 inspection, the arborist may limit such inspection to the portions of the
23 tree or limb that are visible from the adjoining private property
24 owner's land. Notwithstanding the provisions of this subsection, any
25 notice provided to an adjoining private property owner prior to
26 October 1, 2015, that meets the requirements of subdivision (2) of this
27 subsection shall be valid notice for purposes of this section.

28 (b) The provisions of this section shall not affect any rights of a
29 policyholder under a liability insurance policy, except that the
30 insurance company that issued such insurance policy may deduct from
31 any amount owed to such insured for a covered loss arising from such
32 tree or limb falling, the amount recovered by the policyholder
33 pursuant to subsection (a) of this section to the extent that such
34 amount would have been a covered loss under such insurance policy.

35 (c) The provisions of this section shall not be construed to limit any
36 person's right to pursue any additional civil remedy otherwise allowed
37 by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section

JUD *Joint Favorable Subst.*