

**Proposed Substitute
Bill No. 5602**

LCO No. 6031

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

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

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

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

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