

Regular Session, 2011

HOUSE BILL NO. 184

BY REPRESENTATIVE HILL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FORESTRY: Clarifies relationship between co-owners relative to timber theft

1 AN ACT

2 To amend and reenact R.S. 3:4278.1(A), (B), (C), and (D), relative to timber theft; to
3 provide for the recovery of treble damages by co-owners or co-heirs of timber; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 3:4278.1 (A), (B), (C), and (D) are hereby amended and reenacted
7 to read as follows:

8 §4278.1. Trees, cutting without consent; co-owners and co-heirs; penalty

9 A.(1) It shall be unlawful for any person to cut, fell, destroy, remove, or to
10 divert for sale or use, any trees, or to authorize or direct his agent or employee to cut,
11 fell, destroy, remove, or to divert for sale or use, any trees, growing or lying on the
12 land of another, without the consent of, or in accordance with the direction of, the
13 owner or legal possessor, or in accordance with specific terms of a legal contract or
14 agreement.

15 (2) It shall be unlawful for any co-owner or co-heir to cut, fell, destroy,
16 remove, or to divert for sale or use, any trees, or to authorize or direct his agent or
17 employee to cut, fell, destroy, remove, or to divert for sale or use, any trees, growing
18 or lying on co-owned land, without the consent of, or in accordance with the
19 direction of, the co-owner or co-heir, or in accordance with specific terms of a legal
20 contract or agreement.

Present law provides that any person who cuts or removes trees in good faith on the property of another shall be liable to the owner or legal possessor for three times the fair market value of the cut or removed trees, if circumstances prove that the violator should have been aware that his actions were without the consent of the owner or legal possessor.

Proposed law retains present law and adds co-owners or co-heirs as recipients of damages in the amount of three times the fair market value of trees cut or removed from co-owned property by a good faith violator.

Present law provides that if a good faith violator fails to make payment of the required damages within 30 days after notification by the owner or legal possessor, the violator must also pay reasonable attorney fees of the owner or legal possessor.

Proposed law retains present law and adds co-owners and co-heirs as recipients of payment of reasonable attorney fees by a violator who fails to make payment of required damages within 30 days of notification.

(Amends R.S. 3:4278.1(A), (B), (C), and (D))