

SENATE BILL NO. 198—SENATOR HAMMOND

MARCH 2, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the trimming and removal of certain trees located on residential property. (BDR 3-870)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to real property; authorizing an owner of residential property to take certain actions with respect to certain trees that are located on an adjacent residential property; making the owner of a tree located on residential property civilly liable for certain costs relating to the trimming or removal of the tree by the owner of an adjacent residential property under certain circumstances; exempting certain persons from liability for the removal of a tree or parts thereof under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes certain causes of action and proceedings in certain civil cases concerning real property. (Chapter 40 of NRS) **Section 1** of this bill authorizes an owner of residential property to trim any branches of a tree located on an adjacent residential property which extend into his or her property back to the property line of the property. **Section 1** makes the owner of the tree civilly liable for the costs of trimming the branches if the owner of the tree failed to trim the branches within a reasonable time after having been provided with written notice.

**Section 1** also authorizes an owner of residential property to enter upon or cause entry to be made upon an adjacent residential property where a tree is located and remove the tree if: (1) any part of the trunk of the tree or any branches of the tree which cannot safely be trimmed extend into his or her property; and (2) the owner of the tree fails to remove the tree within a reasonable time after having been provided with written notice. **Section 1** makes the owner of the tree civilly liable for the reasonable costs of removing the tree under such circumstances.

Existing law provides, in general, that a person who cuts down or otherwise injures any tree on the land of another person is liable to the owner of the land for treble damages. (NRS 40.160) **Section 2** of this bill exempts an owner of residential



18 property who acts in accordance with **section 1** from the applicability of those  
19 provisions.

20 Existing law makes it unlawful for a person to cut, destroy, mutilate, pick or  
21 remove any tree from private lands without obtaining a written permit from the  
22 owner or occupant or the duly authorized agent of the owner or occupant. (NRS  
23 527.050) **Section 3** of this bill revises that prohibition for the purpose of exempting  
24 an owner of residential property who acts in accordance with **section 1**.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 40 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. If any branches of a tree that is located on residential*  
4 *property extend into an adjacent residential property, the owner of*  
5 *the adjacent residential property may trim the branches back*  
6 *to the property line of the adjacent residential property. The owner*  
7 *of the tree is civilly liable for the reasonable costs incurred by the*  
8 *owner of the adjacent residential property in trimming such*  
9 *branches if:*

10 *(a) Before trimming the branches, the owner of the adjacent*  
11 *residential property provided written notice to the owner of the*  
12 *tree; and*

13 *(b) The owner of the tree failed within a reasonable time after*  
14 *receipt of the notice provided pursuant to paragraph (a) to trim the*  
15 *branches of the tree in a manner so that they do not extend into*  
16 *the adjacent residential property.*

17 *2. If any part of the trunk of a tree located on residential*  
18 *property or any branches of such a tree that cannot safely be*  
19 *trimmed extend into an adjacent residential property, the owner of*  
20 *the adjacent residential property may enter upon or cause entry to*  
21 *made upon the residential property in which the tree is located for*  
22 *such time and to the extent reasonably necessary to remove the*  
23 *tree and remove the tree if:*

24 *(a) The owner of the adjacent residential property has*  
25 *provided written notice to the owner of the tree; and*

26 *(b) The owner of the tree has failed within a reasonable time*  
27 *after receipt of the notice provided pursuant to paragraph (a) to*  
28 *remove the tree.*

29 *3. An owner of a tree located on residential property is civilly*  
30 *liable for the reasonable costs incurred by the owner of an*  
31 *adjacent residential property to remove the tree in accordance with*  
32 *subsection 2.*

33 *4. As used in this section, "residential property" has the*  
34 *meaning ascribed to it in NRS 113.100.*



1       **Sec. 2.** NRS 40.160 is hereby amended to read as follows:

2       40.160 1. Any person who cuts down or carries off any wood  
3 or underwood, tree or timber, or girdles or otherwise injures any tree  
4 or timber on the land of another person, or on the street or highway  
5 in front of any person's house, city or town lot, or cultivated  
6 grounds, or on the commons or public grounds of any city or town,  
7 or on the street or highway in front thereof, without lawful authority,  
8 is liable to the owner of such land, or to such city or town, for treble  
9 the amount of damages which may be assessed therefor, in a civil  
10 action in any court having jurisdiction.

11       2. Nothing in subsection 1 ~~{of this section}~~ authorizes the  
12 recovery of more than the just value of the timber taken from  
13 uncultivated woodland for the repair of a public highway or bridge  
14 upon the land, or adjoining it.

15       3. *The provisions of this section do not apply to an owner of*  
16 *residential property who acts in accordance with section 1 of this*  
17 *act.*

18       **Sec. 3.** NRS 527.050 is hereby amended to read as follows:

19       527.050 1. ~~{H}~~ *Except as otherwise provided in section 1 of*  
20 *this act, it* is unlawful for any person, firm, company or corporation,  
21 his, her, its or their agent or agents, willfully or negligently:

22       (a) To cut, destroy, mutilate, pick or remove any tree, shrub,  
23 plant, fern, wild flower, cacti, desert or montane flora, or any seeds,  
24 roots or bulbs of either or any of the foregoing from any private  
25 lands, without obtaining:

26       (1) A written permit therefor from the owner or occupant or  
27 the duly authorized agent of the owner or occupant; and

28       (2) If the flora:

29       (I) Has been placed on the list of fully protected species  
30 pursuant to NRS 527.270, a special permit issued by the State  
31 Forester Firewarden pursuant to NRS 527.270; and

32       (II) Is a swamp cedar described in NRS 527.055, a special  
33 permit issued by the State Forester Firewarden pursuant to  
34 NRS 527.055.

35       (b) To cut, destroy, mutilate, pick or remove any flora on any  
36 state lands under the jurisdiction of the Division of State Parks of  
37 the State Department of Conservation and Natural Resources  
38 without:

39       (1) Complying with regulations of the Division of State  
40 Parks; and

41       (2) If the flora:

42       (I) Has been placed on the list of fully protected species  
43 pursuant to NRS 527.270, obtaining a special permit issued by the  
44 State Forester Firewarden pursuant to NRS 527.270; and



1 (II) Is a swamp cedar described in NRS 527.055, a special  
2 permit issued by the State Forester Firewarden pursuant to  
3 NRS 527.055.

4 (c) To cut, destroy, mutilate, pick or remove any flora from any  
5 lands within the State of Nevada not otherwise described in  
6 paragraphs (a) and (b) without obtaining:

7 (1) If the flora has been placed on the list of fully protected  
8 species pursuant to NRS 527.270, a special permit issued by the  
9 State Forester Firewarden pursuant to NRS 527.270; and

10 (2) If the flora is a swamp cedar described in NRS 527.055, a  
11 special permit issued by the State Forester Firewarden pursuant to  
12 NRS 527.055.

13 ↪ For the purposes of this subsection, the State Forester Firewarden  
14 may establish regulations for enforcement, including the issuance of  
15 collecting permits and the designation of state and federal agencies  
16 from which such permits may be obtained.

17 2. Every person violating the provisions of this section is guilty  
18 of a public offense proportionate to the value of the plants, flowers,  
19 trees, seeds, roots or bulbs cut, destroyed, mutilated, picked or  
20 removed, and in no event less than a misdemeanor.

21 3. The State Forester Firewarden and his or her representatives,  
22 public officials charged with the administration of reserved and  
23 unreserved lands belonging to the United States, and peace officers  
24 shall enforce the provisions of this section.

25 4. Except as to flora that has been placed on the list of fully  
26 protected species of native flora pursuant to NRS 527.270 or as to  
27 flora on state park lands regulated by the Division of State Parks, the  
28 provisions of this section do not apply to Indians who gather any  
29 substance for food or for medicinal or ceremonial use.

30 **Sec. 4.** This act becomes effective on July 1, 2023.

