

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 463 Session of
1989

INTRODUCED BY BOWLEY, DISTLER, YANDRISEVITS, LETTERMAN, VEON,
WASS, GEIST, F. TAYLOR, MORRIS, HERMAN, CAWLEY, MELIO,
CAPPABIANCA, STABACK, HALUSKA, LINTON, COY, JOHNSON,
COLAIZZO, S. H. SMITH, MERRY, BISHOP, CLYMER, TRELLO,
BATTISTO, GRUPPO, HECKLER, BILLOW, HASAY, MICHLOVIC, HAGARTY,
ROBBINS, DIETTERICK, LEVDANSKY, B. SMITH, STEIGHNER, BUSH,
LEE, NOYE AND J. H. CLARK, FEBRUARY 14, 1989

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 11, 1989

AN ACT

1 Providing for ~~penal~~ ADDITIONAL CIVIL damages for the conversion <—
2 of timber.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Timber
7 Conversion Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) Disreputable timber operators are cutting and
11 removing the timber of others without permission.

12 (2) The timber operators referred to in paragraph (1)
13 are avoiding criminal liability by claiming mistake.

14 (3) Civil liability for action under paragraph (1) is
15 limited to damages in the amount of the value of the timber.

(4) Damages under paragraph (3) do not protect property owners from having their timber cut without their consent and do not discourage the depletion of a valuable natural resource.

(5) ~~Penal~~ ADDITIONAL CIVIL damages are necessary to protect property owners from having their timber cut without their consent and to discourage the depletion of a valuable natural resource.

~~Section 3. Cause of action.~~

~~(a) Cutting timber. A person who intentionally or negligently cuts the timber of another person without the consent of that person shall be liable to that person in an amount equal to twice the value of the timber.~~

~~(b) Removing timber. A person who intentionally or negligently removes the timber of another person without the consent of that person shall be liable to that person in an amount equal to twice the value of the timber.~~

~~(c) Cumulation. Damages under subsections (a) and (b) are cumulative.~~

~~Section 4. Applicability.~~

~~This act shall apply to actions that are commenced on or after the effective date of this act.~~

~~Section 5. Effective date.~~

~~This act shall take effect in 60 days.~~

SECTION 3. CAUSE OF ACTION FOR CONVERSION OF TIMBER.

A PERSON WHO CUTS OR REMOVES THE TIMBER OF ANOTHER PERSON WITHOUT THE CONSENT OF THAT PERSON SHALL, IN ADDITION TO ALL OTHER DAMAGES OR OTHER CIVIL REMEDIES PROVIDED BY LAW, BE LIABLE TO THAT PERSON IN A CIVIL ACTION FOR AN ADDITIONAL AMOUNT OF DAMAGES EQUAL TO THE VALUE OF THE TIMBER CUT OR REMOVED. FOR

1 PURPOSES OF THIS ACT, TIMBER SHALL BE TREES, LOGS OR WOODED LAND
2 WHICH CONSTITUTE A MERCHANTABLE SOURCE OF WOOD.
3 SECTION 4. EFFECTIVE DATE.
4 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.