

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 651 Session of
1993

INTRODUCED BY PESCI, BUSH, MILLER, SCHEETZ, CAWLEY, JAROLIN,
JADLOWIEC, KASUNIC, GEIST, HASAY, VEON, FAJT, HARLEY, MERRY,
MIHALICH AND STABACK, MARCH 22, 1993

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 22, 1993

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for civil
3 damages for conversion of timber.

4 The General Assembly finds and declares as follows:

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

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

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

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

15 (5) Additional civil damages are necessary to protect
16 property owners from having their timber cut without their
17 consent and to discourage the depletion of a valuable natural
18 resource.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. Title 42 of the Pennsylvania Consolidated
4 Statutes is amended by adding a section to read:

5 § 8311. Damages in actions for conversion of timber.

6 (a) General rule.--A person who cuts or removes the timber
7 of another person without the consent of that person shall, in
8 addition to all other damages or other civil remedies provided
9 by law, be liable to that person in a civil action for an
10 additional amount of damages equal to the value of the timber
11 cut or removed.

12 (b) Time limitation.--An action for conversion of timber
13 shall be commenced within five years of the cause of action.

14 (c) Definition.--As used in this section, the term "timber"
15 means trees, logs or wooded land which constitute a merchantable
16 source of wood.

17 Section 2. This act shall take effect immediately.