HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 184 by Representative Hill

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

Synopsis of Senate Amendments

1. Technical amendment.

2. Provides for the recovery of costs in addition to attorney fees.

3. Clarifies that proposed law does not apply to the sale of timber pursuant to R.S. 3:4278.2.

Digest of Bill as Finally Passed by Senate

Present law provides that without the consent of the owner or legal possessor, it shall be unlawful for any person to cut or remove timber from the land of another.

Proposed law retains present law and adds the necessary consent from a co-owner or co-heir in order to cut or remove timber on co-owned land.

Present law provides for civil damages to the owner or legal possessor in the amount of three times the fair market value of the trees cut or removed in the event of the willful or intentional violation of timber theft, plus reasonable attorney fees.

Proposed law retains present law and adds co-owners or co-heirs as recipients of civil damages in the amount of three times the fair market value of the trees cut or removed from co-owned land, plus reasonable attorney fees and costs.

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 and costs by a violator who fails to make payment of required damages within 30 days of notification.

Proposed law provides that proposed law does not apply to the sale of an undivided timber interest pursuant to R.S. 3:4278.2.

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