

No. 2001-7

AN ACT

HB 279

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for damages in actions for conversion of timber.

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

Section 1. Section 8311(a) of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 8311. Damages in actions for conversion of timber.

(a) General rule.—In lieu of all other damages or civil remedies provided by law, a person who cuts or removes the timber of another person without the consent of that person shall be liable to that person in a civil action for an amount of damages equal to:

(1) the usual and customary costs of establishing the value of the timber cut or removed and of complying with the erosion and sedimentation control regulations contained in 25 Pa. Code Ch. 102 (relating to erosion control); [and]

(1.1) the cost of any surveys obtained in connection with the civil action; and

(2) one of the following:

(i) three times the market value of the timber cut or removed if the act is determined to have been deliberate;

(ii) two times the market value of the timber cut or removed if the act is determined to have been negligent; or

(iii) the market value of the timber cut or removed if the defendant is determined to have had a reasonable basis for believing that the land on which the act was committed was his or that of the person in whose service or by whose direction the act was done.

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Section 2. This act shall take effect in 60 days.

APPROVED—The 17th day of May, A.D. 2001.

THOMAS J. RIDGE