

No. 1994-10

AN ACT

SB 1384

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

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section 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

(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.

(b) Restitution.—Any damages awarded under this section shall be reduced by any restitution which is made under 18 Pa.C.S. § 1107 (relating to restitution for theft of timber).

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Timber.” Standing trees, logs or parts of trees that are commonly merchandized as wood products.

“Market value.” The value of the standing timber at local market prices for the species and quality of timber cut or removed at the time it was cut or removed.

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

APPROVED—The 17th day of February, A.D. 1994.

ROBERT P. CASEY