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HOUSE BILL NO. 291

Offered January 11, 2012

Prefiled January 10, 2012

A *BILL to amend and reenact § 55-331 of the Code of Virginia, relating to notice for cutting timber.*

Patron—Johnson

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 55-331 of the Code of Virginia is amended and reenacted as follows:

§ 55-331. Damages recoverable for timber cutting.

A. If any person, firm or corporation, encroaches and cuts timber, except when acting prudently and under bona fide claim of right, the owner thereof shall, in addition to all other remedies afforded by law, have the benefit of a right to, and a summary remedy for recovery of, damages in an amount as hereinafter specified and recovered as hereinafter provided.

If the trespass is proven, the defendant shall have the burden of proving that he acted prudently and under a bona fide claim of right.

B. Any owner of property on which timber is to be cut shall send written notice, via certified mail, to all owners of property adjoining the property on which the timber is to be cut at least 60 days prior to the cutting of any timber. The owner shall send written certification to the State Forester, via certified mail at least 45 days prior to the cutting of any timber, that such notice was sent to the adjoining property owners.

INTRODUCED

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