

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 80

Short Title: Bona Fide Ownership of Timber Parcels.

(Public)

Sponsors: Representative Torbett.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary III

February 13, 2017

A BILL TO BE ENTITLED

AN ACT TO PROTECT BONA FIDE OWNERS OF TIMBER FROM THE UNLAWFUL
CUTTING OR REMOVAL OF TIMBER FROM THEIR LANDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1-539.1 reads as rewritten:

"§ 1-539.1. Damages for unlawful cutting, removal or burning of timber; misrepresentation of property lines.

(a) Any person, firm or corporation not being the bona fide owner thereof or agent of the owner who shall without the consent and permission of the bona fide owner enter upon the land of another and injure, cut or remove any valuable wood, timber, shrub or tree therefrom, shall be liable to the owner of said land for double the value of such wood, timber, shrubs or trees so injured, cut or removed.

(b) If any person, firm or corporation shall willfully and intentionally set on fire, or cause to be set on fire, in any manner whatever, any valuable wood, timber or trees on the lands of another, such person, firm or corporation shall be liable to the owner of said lands for double the value of such wood, timber or trees damaged or destroyed thereby.

(c) Any person, firm or corporation cutting timber under contract and incurring damages as provided in subsection (a) of this section as a result of a misrepresentation of property lines by the party letting the contract shall be entitled to reimbursement from the party letting the contract for damages incurred.

(d) Bona fide ownership shall be established by mutual agreement of the owners of the adjoining parcels prior to the cutting or removal of the wood, timber, shrubs, or trees. In the event of a dispute over a boundary line or failure of the owners to reach mutual agreement, the owner of the parcel seeking to cut or remove the wood, timber, shrubs, or trees shall bear the cost of a boundary line survey required to establish only the location of the boundary line between the affected parcels.

(e) A person, firm, or corporation that cuts or removes wood, timber, shrubs, or trees from the property of another and fails to prospectively establish bona fide ownership pursuant to subsection (d) of this section shall be presumed to have acted with willfulness and knowledge and shall be subject to subsection (a) of this section and the provisions of G.S. 1-539.2B and G.S. 14-135."

SECTION 2. This act becomes effective January 1, 2018.

