STATE OF NEW YORK

5439

2025-2026 Regular Sessions

IN SENATE

February 21, 2025

Introduced by Sen. OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to protecting property owners from timber theft and establishing contractual requirements for logging agreements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general obligations law is amended by adding a new section 5-338 to read as follows:

§ 5-338. Agreements involving logging and timber operations. 1. All timber operations shall be conducted under a written contract signed by both the property owner and the logger, or an authorized representative of the person, firm, entity or corporation conducting logging operations on the property.

2. The contract shall include:

(a) an equal split of proceeds from timber sales;

(b) payment for each truckload of timber before any additional loads are removed; and

(c) a detailed receipt for each load, specifying tree species and number of logs taken.

3. (a) Payments under the contract shall be made by check to ensure a clear record of the transaction.

(b) Property owners and loggers shall maintain records of all transactions, including sales of firewood, with receipts and logs detailing the timber removed.

4. Any person, firm, entity or corporation conducting logging operations shall be required to have a minimum of one million dollars in liability insurance. Documentation of such insurance policy shall be provided to the property owner before logging activities commence on the property.

5. A contract under this section shall require that the logger shall:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(a) cut tree-tops to no higher than three feet; and

(b) repair any ruts, holes, or damage to logging trails, restoring them to a flat surface.

6. A contract under this section shall permit a property owner or a designated representative to be present during logging operations to ensure contract compliance with any provisions of the contract. Such person shall have the authority to direct that logging operations cease if the terms of the contract are not being met.

7. (a) Theft of timber, falsification of receipts, and failure to adhere to contract terms shall be considered theft under article one hundred fifty-five of the penal law.

(b) A property owner shall be entitled to both civil and criminal remedies for any violations of a contract under this section, including restitution compensatory damages, and injunctive relief.

(c) Any person, firm, entity or corporation who or which conducts logging operations on the property of another person without a contract shall be criminally liable for larceny under article one hundred fifty-five of the penal law.

(d) Property owners shall maintain detailed records of all timber sales, including contracts, receipts, and communications with any person, firm, entity or corporation conducting logging operations on their property to support law enforcement investigations if necessary.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.