

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:

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

3 § 5-338. Agreements involving logging and timber operations. 1. All
4 timber operations shall be conducted under a written contract signed by
5 both the property owner and the logger, or an authorized representative
6 of the person, firm, entity or corporation conducting logging operations
7 on the property.

8 2. The contract shall include:

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

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

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

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

16 (b) Property owners and loggers shall maintain records of all trans-
17 actions, including sales of firewood, with receipts and logs detailing
18 the timber removed.

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

24 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.

LBD10109-01-5

1 (a) cut tree-tops to no higher than three feet; and
2 (b) repair any ruts, holes, or damage to logging trails, restoring
3 them to a flat surface.

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

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

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

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

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

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