

# HOUSE BILL 818

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By: **Delegates A. Miller, Tarlau, Jalisi, Lam, and Turner**

Introduced and read first time: February 8, 2016

Assigned to: Judiciary and Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Liability for Personal Injury or Property Damage Caused by**  
3 **Tree**

4 FOR the purpose of establishing that a land owner is liable for damages for personal injury  
5 or property damage on adjoining residential property caused by a defect in the  
6 condition of a tree on the land owner’s land under certain circumstances; requiring  
7 a homeowner’s insurance policy issued or renewed on or after a certain date for  
8 property located in or adjacent to a residential area to include coverage for potential  
9 liability under this Act; providing for the application of this Act; and generally  
10 relating to liability for damages caused by trees.

11 BY adding to

12 Article – Courts and Judicial Proceedings

13 Section 3–2101 to be under the new subtitle “Subtitle 21. Liability for Personal  
14 Injury or Property Damage Caused by Tree”

15 Annotated Code of Maryland

16 (2013 Replacement Volume and 2015 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

20 **SUBTITLE 21. LIABILITY FOR PERSONAL INJURY OR PROPERTY DAMAGE**  
21 **CAUSED BY TREE.**

22 **3–2101.**

23 **(A) A LAND OWNER IS LIABLE FOR DAMAGES FOR PERSONAL INJURY OR**  
24 **PROPERTY DAMAGE ON ADJOINING RESIDENTIAL PROPERTY CAUSED BY A DEFECT**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 IN THE CONDITION OF A TREE ON THE LAND OWNER'S LAND IF THE EXERCISE OF  
2 REASONABLE CARE BY THE LAND OWNER WOULD HAVE:

3 (1) DISCLOSED THE DEFECT AND THE RISK ASSOCIATED WITH THE  
4 DEFECT; AND

5 (2) MADE THE DEFECT REASONABLY SAFE BY REPAIR OR OTHER  
6 REMEDIAL ACTION.

7 (B) ANY HOMEOWNER'S INSURANCE POLICY ISSUED OR RENEWED ON OR  
8 AFTER OCTOBER 1, 2016, FOR PROPERTY LOCATED IN OR ADJACENT TO A  
9 RESIDENTIAL AREA SHALL INCLUDE COVERAGE FOR POTENTIAL LIABILITY UNDER  
10 THIS SECTION.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
12 apply only prospectively and may not be applied or interpreted to have any effect on or  
13 application to any cause of action arising before the effective date of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2016.