



On April 29, 2014, Georgia Governor Nathan Deal signed legislation into law that will strengthen Georgia's timber theft and timber trespass statutes and improve forest operations in Georgia's timber industry. House Bill 790 was the product of the House Study Committee on Timber Security established by House Resolution 644 passed during the 2013 session of the Georgia General Assembly at the urging of the Georgia Forestry Association.

## KEY ELEMENTS OF HOUSE BILL 790

- The legislation **expands the authority** of the Georgia Forestry Commission to investigate, issue warrants and make arrests in timber theft cases. Prior to House Bill 790, GFC had this authority only in arson cases.
- If timber is harvested without authorization, a landowner now may recover **'three-times' the value** of the loss versus 'one time' the value.
- **Scale tickets** now must be provided to the timber seller **within 20 days** of delivery to the receiving mill. Previously, there was no deadline for providing scale tickets.
- Landowners' **exposure to liability** may be reduced in the event of an overcut or other unauthorized taking of timber if the landowner takes certain steps (not required) including clearly marking property lines, having a survey conducted or executing a letter of agreement on property line location with the adjoining landowner prior to harvest, a copy of which must be provided to the timber buyer.
- The new legislation establishes a **four-year statute of limitations** from the time of the taking of the timber during which a landowner may pursue damages.

A copy of House Bill 790 is available at <http://www.legis.ga.gov/Legislation/20132014/143727.pdf>.

Protecting your timber can be challenging, but landowners who take a few simple steps stand a much better chance of preventing timber theft and timber trespass on their property. Landowners who take an active role in the management of their timberland are far less likely to become victims of an unauthorized taking of their timber. On the other hand, complacency can cost you!