

HB 1012 - AS INTRODUCED

2022 SESSION

22-2036

12/08

HOUSE BILL                    **1012**

AN ACT                    relative to notice for the cutting of trees by utilities.

SPONSORS:            Rep. Marsh, Carr. 8; Rep. Allard, Merr. 21; Rep. Merchant, Sull. 4; Rep. McGhee, Hills. 27; Rep. Massimilla, Graf. 1; Rep. Crawford, Carr. 4

COMMITTEE:          Science, Technology and Energy

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ANALYSIS

This bill amends the RSA section relative to tree maintenance near utility poles to require a licensee provide notice to a landowner by registered mail if not provided in person. This bill also establishes penalties for those in violation of notice requirements.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struckthrough]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to notice for the cutting of trees by utilities.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Notice Prior to Tree Cutting. Amend RSA 231:172, II to read as follows:

2 II. A licensee shall provide notice in writing at least 45 days in advance of any non-  
3 emergency cutting, pruning, or removal of shade or ornamental trees that is scheduled to take place  
4 on a landowner's property. The notice shall, at the option of the licensee, be given in person, or sent  
5 separately by ~~ordinary~~ **registered** mail **to the billing address of record**, and not included in or  
6 as a part of a utility bill or other regular communication, to owners of affected land using the name  
7 and address that appears on municipal tax records for the property, or sent separately by electronic  
8 mail, and not included in or a part of a utility bill or other regular communication, if the landowner  
9 has established regular electronic mail communication with the licensee.

10 (a) The notice shall provide the name and contact information of a representative of the  
11 licensee who may be contacted to schedule personal consultation regarding the activities.

12 (b) For the purposes of this section, the owner shall be deemed to have consented to the  
13 activities if he or she fails to affirmatively request personal consultation within 45 days of the  
14 mailing of such notice.

15 (c) If, after personal consultation with the licensee, the owner refuses to consent to the  
16 activities, the selectmen, upon petition, after notice to the owner and licensee, and hearing, shall  
17 determine whether the cutting, pruning, or removal is necessary and, if determined to be necessary,  
18 assess the damage to the owner.

19 ***(d) A licensee who fails to abide by this paragraph shall be liable for no less***  
20 ***than 2 times the damages incurred and no more than 10 times the damages incurred by the***  
21 ***property owner.***

22 2 Effective Date. This act shall take effect 60 days after its passage.