



January 27, 2025

**RE: Support SB2250, Timber Damage Bill**

The American Property Casualty Insurance Association (APCIA) represents nearly 60 percent of the U.S. property casualty insurance market. APCIA's mission is to promote and protect the viability of private competition for the benefit of consumers and insurers. APCIA is the primary national trade association for home, auto, and business insurers. Our mission is to promote and protect the viability of private competition for the benefit of consumers and insurers, with a legacy dating back 150 years. I'm here today on behalf of over 1200 APCIA member companies, who together write nearly 60 percent of the auto insurance written in the US.

In North Dakota, APCIA's members write more than \$9.1 billion in property and casualty insurance premiums. We respectfully submit the following comments in support of SB 2250.

APCIA supports SB 2250 as the bill clarifies that intentional conduct is required, not merely negligent acts, in order for punishing treble damages to be awarded as compensation in timber injury cases. It is imperative that the person causing the tree damage is acting with the intent to do the harm if the measure of damages is to be 3 times the actual detriment.

Plaintiff's lawyers often try to blur the lines between intentional and merely negligent acts, and seek outrageous damages for relatively common, unintentional occurrences. With the amendatory language, parties will not be subject to excessive treble damages for tree injury claims that are not the result of willful and wanton conduct.

The proposed revisions to NDCC § 32-03-30 clarify that the statute's treble damages provision only applies to intentional injuries to trees, and APCIA urges a **DO PASS** on SB 2250.

Respectfully,

A handwritten signature in black ink that reads "Brooke Kelley". The signature is written in a cursive, flowing style.

Brooke Kelley

Assistant Vice President, American Property Casualty Insurance Association (APCIA)