

New Virginia Timber Larceny Law

Virginia Department of Forestry

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A new law went into effect on July 1, 2019, related to timber theft. Under the new law, violations are considered a criminal act and come with the possibility of jail and/or monetary penalties. The new Sections of the Code of Virginia are §55-334.2. Larceny of timber; failure to remit payment to owner; penalty, and §55-334.3. Load tickets required for certain sales of timber; penalty.

The law states:

- Payment in full as specified in the written timber sales contract or within 60 days from the date the buyer removes the timber from the property if no written contract is in place.
- Failure to make payment in full based on the timelines in the previous bullet point shall constitute timber theft and is a class 1 misdemeanor. If this happens, the penalty will be three times the value of the timber removed, plus any penalty imposed by the court.
- When a landowner sells timber by load (pay as cut) and the load is measured by weight, cord or board foot measure, the buyer must supply, upon request from the landowner, within 30 days of the request or 30 days from the date that the timber is removed, whichever is later, a true and accurate accounting of each load removed from the property related to the sale.
- This can be load tickets or settlement statements provided to the timber buyer by the facility receiving, weighing, scaling, or measuring the trees, timber, or wood, and shall contain, at a minimum, (i) the name of the facility receiving, weighing, scaling, or measuring the trees, timber, or wood; (ii) the date the trees, timber, or wood was received at the facility; (iii) the name of the producer or logging company; (iv) the type of wood; (v) the type of product; (vi) the weight or scale information, including the total volume if the load is measured by scale, or the gross and tare, or net weights, if the load is measured by weight; and (vii) the weight, scale, or amount of wood deducted and the deduction classification.

- No load ticket or settlement report shall be required to include price or market value information unless the timber sales agreement, whether written or oral, stipulates that the landowner is to be paid based on a share of the value of the timber removed.

For more details, please visit <http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0353> or contact Matt Poirot at 434-220-9027.