

As to the references to a "telephone company" in this section, see General Revisor's Note to this title.

As to the references to a "telegraph ... company" and "telegraph ... facilities" in this section, see General Revisor's Note to this title.

The Public Utility Companies Article Review Committee notes, for the consideration of the General Assembly, that the provisions of this section may be obsolete, and should be substantively reexamined. The provisions of this section, establishing a judicial procedure for a telephone or telegraph company to obtain an easement appears to duplicate the provisions of § 5-410 of this article.

Defined terms: "County" § 1-101  
 "Telegraph company" § 1-101  
 "Telephone company" § 1-101

#### 8-107. OWNER OF TIMBER NOT LIABLE FOR DAMAGE TO LINES.

##### (A) OWNER OF TIMBER NOT LIABLE FOR DAMAGE TO LINES.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE OWNER OF TIMBER GROWING ALONG A TELEGRAPH OR TELEPHONE LINE IS NOT SUBJECT TO AN ACTION FOR DAMAGES IF:

(1) THE TELEGRAPH OR TELEPHONE LINE PREVENTS THE OWNER OF THE TIMBER FROM CUTTING AND FELLING THE TIMBER; AND

(2) IN CUTTING OR FELLING THE TIMBER, THE OWNER DAMAGES THE TELEGRAPH OR TELEPHONE LINE.

##### (B) EXCEPTION.

AN OWNER OF TIMBER IS SUBJECT TO AN ACTION FOR DAMAGES IF, IN CUTTING AND FELLING THE TIMBER, THE OWNER WILLFULLY AND INTENTIONALLY INJURES THE TELEGRAPH OR TELEPHONE LINE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23, § 325.

In subsections (a) and (b) of this section, the references to "wires", "cords", "posts", and "pole[s]", are deleted because the defined terms "telegraph lines" and "telephone lines" cover all these fixtures.

In subsection (b) of this section, the former reference to "having [timber] cut or felled" is deleted as surplusage.

As to the reference to a "telephone line" in this section, see General Revisor's Note to this title.

As to the reference to a "telegraph ... line" in this section, see General Revisor's Note to this title.

The Public Utility Companies Article Review Committee notes, for the