



Landscaping Liability Claim Examples and How Insurance Can Help

Imagine you're at a job site, watching closely as a member of your crew, perched high in a tree, makes a number of precise cuts with a chainsaw. The saw roars, churning through wood and sending leaves scattering below. Finally, there's a crack of wood as the branch falls through the air... only to bounce off a lower tree limb as it goes, suddenly altering its trajectory and sending it on a collision course with your client's upscale gazebo.

The crash is thunderous, shingles flying as the branch punctures the gazebo roof. While you take in this new development, your employee quickly repels out of the tree to join you.

"Hey, boss," they say, wincing as the full damage is revealed. It looks like the repairs will be costly. "Good thing you've got liability insurance, huh?"

This is only one example of how things can go wrong while at a landscaping job, even when everything is done right. Your crew or equipment can potentially damage a client's property — such as their home, car or other items — or do something resulting in personal injury. No matter the cause of the accident, these situations can be stressful and costly, not to mention harmful to your professional reputation.

Comprehensive liability insurance is the best way to protect your career and business by helping you cover costs associated with property damage and personal injury — or even legal fees and settlement awards if you are taken to court. Read on for more landscaping liability examples and how insurance can help.

Oh, No, The Gazebo: Falling Branch Leads to Property Damage and Personal Injury

As shown in the example above, tree trimming and cutting can be a lucrative, but risky, line of business. In this situation, it is without question that your business is responsible for the significant damage to your client's gazebo. As a result, they sue you to cover the cost of its repair or replacement.

The \$30,000 you're ordered by the court to pay isn't anything at which to sneeze. Without insurance, the settlement would mean delaying important business purchases, such as new machinery and equipment — plus hoping you're liquid enough to pay the amount in full and promptly. Instead, the cost is covered by your liability insurance, ensuring your operations aren't negatively affected by the ruling.



But what would have happened if this incident had also resulted in personal injury on top of the property damage? Let's say your client was sitting inside their gazebo, perhaps unwisely, when the branch fell. They're immediately transported to the hospital, where it's revealed they suffered a severe concussion. Due to the nature of the injury, they have to get several scans and stay overnight for observation.

It comes as no surprise when the personal injury claim is quickly filed thereafter, as your client wants to ensure you're held responsible for their injuries and any lost wages resulting from their time out of work. Similar to the property damage incident, your insurance covers the settlement or award amount.

It's important to note the personal injury coverage included in a liability policy only extends to third-party injuries. If one of your employees is injured, that would fall under the purview of your workers' compensation insurance, not your liability coverage.

Nature's Nuisance: Invasive Plant Takes Over Yard, Devalues Property

Here's another scenario to consider: Your landscaping business begins to source soil from a new distributor at a lower price point to save money. You commonly use dirt as a fill material to help bring yards and gardens back to their normal appearance after a project.

For one such job, your first since changing distributors, you use the dirt to fill a trench left behind by a drainage project. Months later, you get a call from the homeowners who are irate over the "strange weeds" your crew allegedly left behind.

When you visit the property, you're shocked to discover a veritable forest where their yard used to be. Instead of neatly shorn grass, a dense crop of plant life now fills the space; ominously, it appears thickest around the trench you filled.

In an effort to make things right, you offer to have your crew rip up the weeds, even though that means taking them off a different project. When they grow right back, you delay another project so you can use the excavator to try to dig the plants out. They stubbornly return.

Your clients have no choice but to file a suit when they discover the invasive plants are Japanese knotweed, a plant well known for its ability to spread from a single rhizome no larger than a fingernail. They will continue to return, and their presence in the yard will devalue the property until properly remediated.



During the suit, the judge finds your business at fault for contaminating your client's yard. [Inspired by a real case](#), this example results in a judgment of more than \$300,000.

Without insurance, that award could be a business-closing amount. Thankfully, liability coverage provides a vital financial safety net for these and similar situations.

As shown in these examples, liability insurance is essential to recoup a financial loss when you or your crew damages another person or their property while providing a professional service. Accidents are a fact of life, and no matter how careful you are, it's likely only a matter of time before one of your employees commits a blunder, such as running over a sprinkler system with a lawnmower and flooding the yard, exposing a client or their pets to harmful pesticides or even getting into an embarrassing collision in a company-owned vehicle.

Liability insurance provides powerful peace of mind against the unexpected. To learn more about selecting liability insurance for your business, contact Ashley Thomas of Gallagher Affinity [918.764.1619](tel:918.764.1619) or ashley_thomas@ajg.com for a free risk analysis and coverage review. Learn more about available coverage at gallagheraffinity.com/MNLA.

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