

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 162
99TH GENERAL ASSEMBLY

0173H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 229.150, RSMo, and to enact in lieu thereof one new section relating to drainage ditches, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 229.150, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 229.150, to read as follows:

229.150. 1. All driveways or crossings over ditches connecting highways with the private property shall be made under the supervision of the **road** overseer or commissioners of the road districts.

2. ~~[Any]~~ **No** person or persons ~~[who]~~ shall willfully or knowingly obstruct or damage any public road by obstructing the side or cross drainage or ditches thereof, or by turning water upon such road or right-of-way, or by throwing or depositing brush, trees, stumps, logs, or any refuse or debris whatsoever, in said road, or on the sides or in the ditches thereof, or by fencing across or upon the right-of-way of the same, or by planting any hedge or erecting any advertising sign within the lines established for such road, or by changing the location thereof, or ~~[shall]~~ obstruct said road, highway, or drains in any other manner whatsoever~~], shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment].~~

3. The road overseer of any district~~],~~ or county highway engineer~~],~~ who finds any road **damaged or** obstructed as above specified, ~~[shall notify the person violating the provisions of this section, verbally or in writing, to remove such obstruction. Within ten days after being notified, he shall pay the sum of five dollars for each and every day after the tenth day if such obstruction is maintained or permitted to remain, such fine to be recovered by suit brought by~~

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 ~~the road overseer, in the name of the road district, in any court of competent jurisdiction]~~ shall
20 notify the owner of the land of the requirements of this section by certified mail, return
21 receipt requested, and shall allow the owner of the land thirty days from acknowledgment
22 date of return receipt, or date of refusal of acceptance of delivery as the case may be, to
23 repair any damage to the roadway or drainage ditch. Any such repairs shall be conducted
24 in a manner approved by the road overseer or county highway engineer making the
25 request in order to restore the roadway or drainage ditch to a condition substantially the
26 same as the adjacent roadways and drainage ditches. In the event the property owner
27 cannot be located by certified mail, notice shall be placed in a newspaper of general
28 circulation in the county or municipality in which the land is located at least thirty days
29 before the road overseer or county highway engineer initiates action as provided under
30 subsection 4 of this section. The property owner shall be granted an automatic thirty-day
31 extension due to hardship by notifying the road overseer or county highway engineer that
32 he or she cannot comply with the requirements of this section, due to hardship, within the
33 first thirty-day period. The property owner may be granted a second extension by the road
34 overseer or county highway engineer. There shall be no further extensions. For purposes
35 of this subsection, "hardship" may be financial, physical, or any other condition that the
36 road overseer or county highway engineer deems to be a valid reason to allow an extension
37 of time to comply with the requirements of this section.

38 4. In the event a property owner fails to make a repair to a roadway or drainage
39 ditch as requested by the road overseer or county highway engineer, or fails to make a
40 repair in a manner meeting the specifications of the road overseer or county highway
41 engineer as required under subsection 3 of this section, the road overseer or county
42 highway engineer may repair the roadway or drainage ditch in order to restore the
43 roadway or drainage ditch to a condition substantially the same as the adjacent roadways
44 and drainage ditches. For that purpose, the road overseer or county highway engineer,
45 including his or her agents, servants, or employees, shall have authority to enter on such
46 lands only to the extent necessary to repair the roadway or drainage ditch, and such entry
47 shall constitute no cause of action for trespass, and shall keep an accurate account of the
48 expenses incurred in repairing the roadway or drainage ditch, and transmit the same to
49 the political subdivision wherein the property lies. Upon receipt of such expenses, the
50 political subdivision shall extend the aggregate expenses so charged against each tract of
51 land as a special tax, which shall then become a lien on such lands, and be collected as state
52 and county taxes are collected by law.

53 5. Any county with a charter form of government may, by ordinance, provide for
54 alternative measures to address obstruction of and damage to public rights-of-way.

✓