

SECOND REGULAR SESSION

HOUSE BILL NO. 1535

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES EMERY (Sponsor),
GUEST, LAMPE AND MCGHEE (Co-sponsors).

Read 1st time January 25, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4491L.01I

AN ACT

To repeal section 227.240, RSMo, and to enact in lieu thereof two new sections relating to public utility equipment, with penalty provisions.

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

Section A. Section 227.240, RSMo, is repealed and two new sections are enacted in lieu thereof, to be known as sections 67.1848 and 227.240, to read as follows:

67.1848. All public water supply districts, sewer districts, and municipalities, including villages, shall have the right to lay, install, construct, repair, and maintain sewer and water lines in public highways, roads, streets, and alleys, subject to the reasonable rules and regulations of governmental bodies having jurisdiction of such public places. Due regard shall be taken for the rights of the public in its use of thoroughfares and the equal rights of other utilities thereto.

227.240. 1. The location and removal of all telephone, cable television, and electric light and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected or constructed, or hereafter to be erected or constructed by any corporation, **municipality, public water supply district, sewer district**, association or persons, within the right-of-way of any state highway, insofar as the public travel and traffic is concerned, and insofar as the same may interfere with the construction or maintenance of any such highway, shall be under the control and supervision of the state highways and transportation commission.

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.

8 2. A cable television corporation or company shall be permitted to place its lines within
9 the right-of-way of any state highway, consistent with the rules and regulations of the state
10 highways and transportation commission. The state highways and transportation commission
11 shall establish a system for receiving and resolving complaints with respect to cable television
12 lines placed in, or removed from, the right-of-way of a state highway.

13 3. The commission or some officer selected by the commission shall serve a written
14 notice upon the **entity**, person or corporation owning or maintaining any such lines, poles, wires,
15 conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places
16 on the right-of-way at which such lines, poles, wires, conduits, pipelines or tramways may be
17 maintained. The notice shall also state the time when the work of hard surfacing said roads is
18 proposed to commence, and shall further state that a hearing shall be had upon the proposed plan
19 of location and matters incidental thereto, giving the place and date of such hearing.
20 Immediately after such hearing the said owner shall be given a notice of the findings and orders
21 of the commission and shall be given a reasonable time thereafter to comply therewith; provided,
22 however, that the effect of any change ordered by the commission shall not be to remove all or
23 any part of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way of the
24 highway. The removal of the same shall be made at the cost and expense of the owners thereof
25 unless otherwise provided by said commission, and in the event of the failure of such owners to
26 remove the same at the time so determined they may be removed by the state highways and
27 transportation commission, or under its direction, and the cost thereof collected from such
28 owners, and such owners shall not be liable in any way to any person for the placing and
29 maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed
30 by the commission.

31 4. The commission is authorized in the name of the state of Missouri to institute and
32 maintain, through the attorney general, such suits and actions as may be necessary to enforce the
33 provisions of this section. Any corporation, association or the officers or agents of such
34 corporations or associations, **municipality, public water supply district, sewer district**, or any
35 other person who shall erect or maintain any such lines, poles, wires, conduits, pipelines or
36 tramways, within the right-of-way of such roads which are hard-surfaced, which are not in
37 accordance with such orders of the commission, shall be deemed guilty of a misdemeanor.

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