

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 811**  
**94TH GENERAL ASSEMBLY**

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Reported from the Committee on Conservation and Natural Resources March 8, 2007 with recommendation that House Committee Substitute for House Bill No. 811 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1931L.05C

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**AN ACT**

To repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming by electric utilities.

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

Section A. Section 537.340, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.340, to read as follows:

537.340. **1.** If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing on the land of any other person, including any governmental entity, or shall dig up, quarry or carry away any stones, ore or mineral, gravel, clay or mold, or any ice or other substance or material being a part of the realty, or any roots, fruits or plants, or cut down or carry away grass, grain, corn, flax or hemp in which such person has no interest or right, standing, lying or being on land not such person's own, or shall knowingly break the glass or any part of it in any building not such person's own, the person so offending shall pay to the party injured treble the value of the things so injured, broken, destroyed or carried away, with costs. Any person filing a claim for damages pursuant to this section need not prove negligence or intent.

**2. Notwithstanding the provisions of subsection 1 of this section, the following rules shall apply to the trimming, removing, and controlling of trees and other vegetation by any public electrical company, municipal utility, rural electric cooperative, or organization operating under section 394.200, RSMo, hereafter referred to as an electric utility:**

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.

- 15           (1) Every electric utility that operates electric transmission or distribution lines  
16 shall have the authority to maintain the same by trimming, removing, and controlling trees  
17 and other vegetation posing a hazard to the continued safe and reliable operation thereof;
- 18           (2) An electric utility may exercise its authority under subdivision (1) of this  
19 subsection if the trees and other vegetation are:
- 20           (a) Within ten feet, plus one-half the length of any attached crossarm, of either side  
21 of the centerline of electricity lines potentially energized at or below 34.5 kilovolts  
22 measured line to line and located within the limits of any city; or
- 23           (b) Within forty feet of either side of the centerline of electricity lines potentially  
24 energized at or below 34.5 kilovolts measured line to line and located outside the limits of  
25 any city; or
- 26           (c) Within fifty feet of either side of the centerline of electricity lines potentially  
27 energized between 34.5 and one hundred kilovolts measured line to line; or
- 28           (d) Within the greater of the following for any electricity lines potentially energized  
29 at one hundred kilovolts or more measured line to line:
- 30           a. Seventy-five feet to either side of the centerline; or
- 31           b. Any required clearance distance adopted by either the Federal Energy  
32 Regulatory Commission or an Electric Reliability Organization authorized by the Energy  
33 Policy Act of 2005, 16 U.S.C. Section 824o. Such exercise shall be considered reasonable  
34 and necessary for the proper and reliable operation of electric service and shall create a  
35 presumption that the electric utility acted with reasonable care, operated within its rights  
36 regarding the operation and maintenance of its electricity lines, and has not committed a  
37 trespass;
- 38           (3) An electric utility may trim, remove, and control trees and other vegetation  
39 outside the provisions in subdivision (2) of this subsection if such actions are necessary to  
40 maintain the continued safe and reliable operation of its electric lines;
- 41           (4) An electric utility may secure from the owner or occupier of land greater  
42 authority to trim, remove, and control trees and other vegetation than the provisions set  
43 forth in subdivision (2) of this subsection and may exercise any and all rights regarding the  
44 trimming, removing, and controlling of trees and other vegetation granted in any easement  
45 held by the electric utility;
- 46           (5) An electric utility may trim or remove any tree of sufficient height outside the  
47 provisions of subdivision (2) of this subsection when such tree, if it were to fall, would  
48 threaten the integrity and safety of any electric transmission or distribution line and would  
49 pose a hazard to the continued safe and reliable operation thereof;

50           **(6) Prior to the removal of any tree under the provisions of subdivision (5) of this**  
51 **subsection, an electric utility shall notify the owner or occupier of land, if available, at least**  
52 **one week prior to such removal;**

53           **(7) Any owner of property may notify in writing the electric utility which services**  
54 **such owner's property that a tree or other vegetation on such property poses a threat to**  
55 **an electric line and may request that the electric utility remove or trim such tree or**  
56 **vegetation. Within thirty days of receipt of such notification, the electric utility shall**  
57 **respond to the property owner their intent with regards to the property. Such response**  
58 **shall establish a removal schedule or state why such removal is unnecessary. The electric**  
59 **utility shall within ninety days of receipt of such request make a good faith effort to remove**  
60 **or trim such tree or vegetation;**

61           **(8) Any owner of property upon which any electric utility is trimming a tree may**  
62 **request in writing that in lieu of such trimming, the electric utility may remove such tree.**  
63 **The electric utility shall either remove such tree or explain in writing why such removal**  
64 **is unnecessary;**

65           **(9) Nothing in this subsection shall grant any electric utility greater authority to**  
66 **remove, trim, or control trees or vegetation beyond the negotiated terms of any recorded**  
67 **easement;**

68           **(10) Nothing in this subsection shall be interpreted as requiring any electric utility**  
69 **to fully exercise the authorities granted in this subsection.**

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