

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Bill No. 52, Page 1, Section 137.565, Line 13, by inserting immediately after all of  
2 said line the following:

3  
4 "229.150. 1. All driveways or crossings over ditches connecting highways with the private  
5 property shall be made under the supervision of the road overseer or commissioners of the road  
6 districts.

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

17 3. The road overseer of any district~~[-]~~ or county highway engineer~~[-]~~ who finds any road  
18 damaged or obstructed as above specified, [shall notify the person violating the provisions of this  
19 section, verbally or in writing, to remove such obstruction. Within ten days after being notified, he  
20 shall pay the sum of five dollars for each and every day after the tenth day if such obstruction is  
21 maintained or permitted to remain; such fine to be recovered by suit brought by the road overseer, in  
22 the name of the road district, in any court of competent jurisdiction] shall notify the owner of the  
23 land of the requirements of this section by certified mail, return receipt requested, and shall allow  
24 the owner of the land thirty days from acknowledgment date of return receipt, or date of refusal of  
25 acceptance of delivery as the case may be, to repair any damage to the roadway or drainage ditch.  
26 Any such repairs shall be conducted in a manner approved by the road overseer or county highway  
27 engineer making the request in order to restore the roadway or drainage ditch to a condition  
28 substantially the same as the adjacent roadways and drainage ditches. In the event the property  
29 owner cannot be located by certified mail, notice shall be placed in a newspaper of general  
30 circulation in the county or municipality in which the land is located at least thirty days before the  
31 road overseer or county highway engineer initiates action as provided under subsection 4 of this  
32 section. The property owner shall be granted an automatic thirty-day extension due to hardship by  
33 notifying the road overseer or county highway engineer that he or she cannot comply with the  
34 requirements of this section, due to hardship, within the first thirty-day period. The property owner  
35 may be granted a second extension by the road overseer or county highway engineer. There shall be  
36 no further extensions. For purposes of this subsection, "hardship" may be financial, physical, or any

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 other condition that the road overseer or county highway engineer deems to be a valid reason to  
2 allow an extension of time to comply with the requirements of this section.

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

16 5. Any county with a charter form of government may, by ordinance, provide for alternative  
17 measures to address obstruction of and damage to public rights-of-way."; and  
18

19 Further amend said bill by amending the title, enacting clause, and intersectional references  
20 accordingly.