

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 30, Page 2, Section 88.770, Line 41, by
2 inserting immediately after all of said section and 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 or damage
13 said road, highway, or drains in any other manner whatsoever~~[-, shall be deemed guilty of a~~
14 ~~misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than two~~
15 ~~hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such~~
16 ~~fine and 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] may notify the ~~[person]~~ landowner violating the
19 provisions of this section, ~~[verbally or]~~ in writing, to remove such obstruction, to repair such
20 damage in a manner approved by the road overseer or county highway engineer making the request,
21 or to pay the reasonable cost of such removal or repair. ~~[Within ten days after being notified, he~~
22 ~~shall pay the sum of five dollars for each and every day after the tenth day if such obstruction is~~
23 ~~maintained or permitted to remain; such fine to be recovered by suit brought by the road overseer, in~~
24 ~~the name of the road district, in any court of competent jurisdiction]~~ If the landowner fails to
25 remove any obstruction, make any repairs, or remit any payment of costs as requested within thirty
26 days, the road overseer or county highway engineer may petition the associate circuit court of the
27 county in which the land is located to authorize the overseer or engineer or an agent or employee
28 thereof, to enter the landowner's land to remove the obstruction or to repair the damage, in order to
29 restore the roadway or drainage ditch to a condition substantially the same as the adjacent roadways
30 and drainage ditches. Such entry on the landowner's lands shall be limited to the extent necessary to
31 repair the roadway or drainage ditch, and shall constitute no cause of action for trespass. The
32 petition shall include an estimate of the costs.

33 4. If the court enters a judgment granting the petition and authorizing the actions requested
34 therein, the judgment shall include an award for the reasonable cost of removal or repair, court
35 costs, and reasonable attorney's fees, and shall become a lien on such lands, and shall be collected as
36 state and county taxes are collected by law."; and

Action Taken _____ Date _____

- 1
- 2 Further amend said bill by amending the title, enacting clause, and intersectional references
- 3 accordingly.