

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 124, Page 31, Section
2 190.165, Line 101, by 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 property
5 shall be made under the supervision of the road overseer or commissioners of the road districts.

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

15 3. The road overseer of any district, or county highway engineer, who finds any road damaged or
16 obstructed as above specified, ~~[shall]~~ may notify the ~~[person]~~ landowner violating the provisions of this
17 section, ~~[verbally or]~~ in writing, to remove such obstruction, to repair such damage in a manner approved by
18 the road overseer or county highway engineer making the request, or to pay the reasonable cost of such
19 removal or repair. [Within ten days after being notified, he shall pay the sum of five dollars for each and
20 every day after the tenth day if such obstruction is maintained or permitted to remain; such fine to be
21 recovered by suit brought by the road overseer, in the name of the road district, in any court of competent
22 jurisdiction] If the landowner fails to remove any obstruction, make any repairs, or remit any payment of
23 costs as requested within thirty days, the road overseer or county highway engineer may petition the
24 associate circuit court of the county in which the land is located to authorize the overseer or engineer or an
25 agent or employee thereof, to enter the landowner's land to remove the obstruction or to repair the damage, in
26 order to restore the roadway or drainage ditch to a condition substantially the same as the adjacent roadways
27 and drainage ditches. Such entry on the landowner's lands shall be limited to the extent necessary to repair
28 the roadway or drainage ditch, and shall constitute no cause of action for trespass. The petition shall include
29 an estimate of the costs.

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

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

Action Taken _____ Date _____