

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 399,
2 Page 13, Section 142.869, Line 99, by inserting the following after all of said section and line:

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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. Road damage or obstruction shall not constitute violations under this section when
18 farming or ranching lands have been improved using soil and water conservation practices
19 implemented in conformance with the Missouri soil and water conservation program or natural
20 resources conservation service technical standards.

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

Action Taken _____ Date _____

1 and entry shall not be granted until the opportunity for a hearing has been completed and the
2 petition has been granted. The petition shall include an estimate of the costs.

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

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.