

HCS HB 2862 -- UNIFORM EASEMENT RELOCATION ACT

SPONSOR: Falkner

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Local Government by a vote of 9 to 0. Voted "Do Pass" by the Standing Committee on Rules- Regulatory Oversight by a vote of 10 to 0.

The following is a summary of the House Committee Substitute for HB 2862.

This bill establishes the "Uniform Easement Relocation Act".

The bill defines "appurtenant easement", "conservation easement", "dominant estate", "easement", "easement holder", "easement in gross", "lessee of record", "negative easement", "person", "public-utility easement", "real property", "record", "security instrument", "security-interest holder of record", "servient estate", "title evidence", "unit", and "utility cooperative" as pertaining to the Act.

This bill specifies what types of easements may be relocated and details whether the relocation may proceed when individuals using the easement are affected by the relocation.

The bill specifies the process necessary to obtain and execute an order to relocate an easement as well as the requirements for a court to approve relocation of an easement. Upon the approval of an easement relocation, a servient estate owner is responsible for relocation expenses, as listed in the bill.

This bill specifies the requirements for the construction of an improvement if an order for relocation requires construction of an improvement as a condition for relocation. Contractual implications of a relocation of an easement are also specified in the bill. The right of a servient estate owner to relocate an easement can not be waived, excluded, or restricted by agreement regardless of instances listed in the bill.

The Act modifies, limits, or supersedes the Federal acts listed in the bill and applies to an easement created before, on, or after the effective date.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that the bill only applies to private easements, and gives guidelines for how to solve a landlocked property easement disagreement.

Testifying in person for the bill were Representative Falkner; Jane Sternecky, Uniform Law Commission; Arnie C Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.