

SECOND REGULAR SESSION

HOUSE BILL NO. 1853

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HEWKIN.

5249H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 229.130, 229.160, 229.210, 229.220, 229.222, 229.270, 229.420, 229.430, 229.440, and 229.450, RSMo, and to enact in lieu thereof one new section relating to transportation.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 229.130, 229.160, 229.210, 229.220, 229.222, 229.270, 229.420, 229.430, 229.440, and 229.450, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 229.222, to read as follows:

229.222. The governing assembly of any county, city, or village of this state may designate any street, road, or highway within such county, city, or village as a memorial road for any law enforcement officer, **emergency personnel, or member of the Armed Forces** who is killed in the line of duty. Any county, city, or village designating a memorial road pursuant to this section shall provide for and shall be responsible for the costs, erection, and maintenance of any signs marking the designated road.

~~[229.130. Every overseer shall erect and maintain at every road fork, or road crossing, in his district that would likely mislead, a fingerboard, containing a legible inscription, directing the way and noting the distance to the next important place on the road, for which he may be allowed not to exceed two dollars, to be paid out of the road fund of the district.]~~

~~[229.160. All persons owning, controlling or managing threshing machines, sawmills and steam engines or gasoline tractors are required, in moving the same over public highways to lay down planks not less than one foot wide and three inches in thickness on the floors of all bridges situate on the public highways, while crossing the same with such threshing machines,~~

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 ~~sawmills, steam engines or gasoline tractors, and in the event any person~~
7 ~~owning any such machinery shall cross or attempt to cross any bridge upon~~
8 ~~any public highway with such machinery who shall neglect or fail to lay down~~
9 ~~said planks as a protection to said bridge and who shall, by reason of such~~
10 ~~neglect cause injury to any such bridge, he shall be liable for double the~~
11 ~~amount of such injury to be recovered in the name of the county or any~~
12 ~~subdivision thereof, to the use and benefit of the road and bridge fund.]~~

2 ~~[229.210. It shall be unlawful for any person to drive a vehicle, an~~
3 ~~animal or animals or a load of any kind upon a highway bridge or culvert~~
4 ~~recently constructed or repaired wholly or partly of concrete or upon the~~
5 ~~surface of any improved highway of macadam, concrete, brick or bituminous~~
6 ~~material; and which has not been opened to traffic after the construction or~~
7 ~~repair, by order of the county highway engineer of the county in which such~~
8 ~~bridge or culvert or improved highway is situated, or by order of any other~~
9 ~~person having charge of the construction or repair of said bridge or culvert or~~
10 ~~improved highway; provided, due notice to the public has been given that the~~
11 ~~bridge or culvert or improved highway is closed to traffic, by placing barriers~~
12 ~~across the entrances to the bridge or culvert or improved highway and by~~
13 ~~written or printed handbills placed at either entrance to the bridge or culvert or~~
14 ~~improved highway stating that the bridge or culvert or improved highway is~~
15 ~~closed to traffic and mentioning the date on which same will be opened to~~
16 ~~traffic signed by the county highway engineer or by the person in charge of the~~
 ~~construction or repair of the bridge or culvert or improved highway.]~~

2 ~~[229.220. Any person violating the provisions of section 229.210 and~~
3 ~~any person who shall unlawfully remove either of the barriers or either of the~~
4 ~~written or printed notices above mentioned, shall be adjudged guilty of a~~
5 ~~misdemeanor and upon conviction shall be punished by a fine of not less than~~
 ~~five dollars nor more than one hundred dollars.]~~

2 ~~[229.270. Before a permit to move any house, building or other~~
3 ~~structure is granted under the provisions of sections 229.230 to 229.290, the~~
4 ~~applicant for such permit shall pay to the county clerk the sum of one dollar~~
5 ~~therefor, and the county clerk shall account for such fees as is provided for in~~
 ~~other cases.]~~

2 ~~[229.420. Where coal or other valuable mineral underlies any public~~
3 ~~road in this state that has not been designated as a state highway or is not under~~
4 ~~the control of the state transportation department, if said coal or other mineral~~
5 ~~is being mined on or from adjoining lands by the "strip pit" or surface process~~
6 ~~of mining, the commissioners of any special road district or the township~~
7 ~~board of directors if said road be not located in a special road district may~~
8 ~~provide for the temporary abandonment of said road and the removal or~~
9 ~~mining of said coal or other valuable mineral underlying said road and the~~
10 ~~rebuilding of said road, in the manner and under the conditions provided in~~
11 ~~sections 229.420 to 229.450, when in the opinion of said commissioners or~~
 ~~township board the public good would best be served thereby.]~~

2 ~~[229.430. The commissioners of any special road district where said~~
3 ~~road is located, or the township board if said road be not in a special road~~
4 ~~district, whenever in their opinion the removal of said coal or other valuable~~
5 ~~mineral from under the surface of said road and the rebuilding of said road will~~
6 ~~be a public benefit, may with the approval and consent of the county~~
7 ~~commission enter into a contract with any responsible person, firm or~~
8 ~~corporation for the removal of said coal or other mineral and for the rebuilding~~
9 ~~of said road under such terms and conditions as in their opinion are fair and~~
~~just.]~~

2 ~~[229.440. 1. Before the commissioners of any special road district or~~
3 ~~the township board of any township shall enter into any contract for the~~
4 ~~removal of coal or other mineral from or under any public road they shall~~
5 ~~submit their proposition to the county commission of the county for its~~
6 ~~approval or rejection. If the commission approves the proposition they shall~~
7 ~~direct the prosecuting attorney of the county to prepare the contract between~~
8 ~~the commissioners or township board as the case may be and the parties with~~
9 ~~whom they seek to contract.~~

10 ~~2. Said contract shall particularly describe the road to be temporarily~~
11 ~~abandoned, the kind and character of road to be rebuilt, and the time limit for~~
12 ~~rebuilding same and before said contract is executed, the person, firm or~~
13 ~~corporation with whom it is made shall file with the clerk of the county~~
14 ~~commission a bond with good and sufficient sureties in at least four times the~~
15 ~~estimated cost of rebuilding said road after the removal of the coal or other~~
16 ~~mineral from same. Said bond shall be payable to the state of Missouri for the~~
17 ~~use and benefit of the special road district or township as the case may be and~~
18 ~~approved by the county commission and shall provide that the person, firm or~~
19 ~~corporation shall at their own expense remove said coal, within such time and~~
20 ~~under such terms as may be provided and if in the opinion of the county~~
21 ~~commission a temporary road be necessary or feasible, will at their own~~
22 ~~expense construct and at all times maintain a good road along, near and~~
23 ~~parallel to the road temporarily abandoned and connected with the usual road~~
24 ~~at both ends, all within the time and on such terms as may be provided; that~~
25 ~~they will be responsible and liable for any damages or injuries caused by their~~
26 ~~negligence in not properly constructing or maintaining said temporary road;~~
27 ~~that they will as soon as the coal or other mineral is removed from said road, at~~
28 ~~their own expense and without delay rebuild the same in a good substantial~~
29 ~~and workmanlike manner, according to the plans and specifications and within~~
30 ~~the time limit and according to the terms set forth in the contract. Said bond~~
31 ~~may provide for penalties or liquidated damages for the violation of its~~
32 ~~provisions.~~

33 ~~3. When said road is complete as provided in the plans and~~
34 ~~specifications and according to all the terms and conditions of the contract and~~
35 ~~accepted by the county commission, the bond shall be released provided all~~
36 ~~conditions of the bond have been met and all claims, liabilities and causes of~~
~~action, arising out of the performance of the conditions of said contract or~~

37 ~~bond or out of the violation of the same have been wholly met, settled and~~
38 ~~discharged.]~~

2 ~~[229.450. Sections 229.420 to 229.450 shall apply only to counties~~
3 ~~operating under township organization. All laws or parts of laws in conflict~~
with the provisions of sections 229.420 to 229.450 are hereby repealed.]

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