

SECOND REGULAR SESSION

HOUSE BILL NO. 3358

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOVIS.

6953H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 442, RSMo, by adding thereto one new section relating to the sale of property with a prescriptive easement for public use.

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

Section A. Chapter 442, RSMo, is amended by adding thereto one new section, to be known as section 442.021, to read as follows:

442.021. 1. As used in this section, "person" means any individual, corporation, association, partnership, or other entity.

2. Notwithstanding any provision of law, if an individual sells his or her property to a person and there is a prescriptive easement for public use on the property being sold, such easement shall not automatically transfer with the property binding the person purchasing the property. However, a prescriptive easement for public use may be reestablished on the property purchased as provided under subsection 3 of this section.

3. A prescriptive easement for public use may be reestablished for property purchased as provided under subsection 2 of this section if it can be demonstrated that public use of the property was continuous, uninterrupted, visible, and adverse for a period of ten years.

4. The ten-year period for reestablishment shall restart with each person who purchases the property, and the person may prevent the reestablishment through oral statements or through signage.

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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.