

HB 656 -- ACTIONS AGAINST CERTAIN SEWER DISTRICTS

SPONSOR: Colona

This bill specifies that no action for damages on a taking alleged to result from obstruction, disrepair, defect, or inadequacy related to the condition or operation of sewer facilities owned and operated by the Metropolitan St. Louis Sewer District may be maintained against the district except if the action meets the following:

(1) Any individual claiming the damages provides notice in writing to the board of trustees within 90 days of the discovery of the damages. The notice must contain specific information and nothing in the notice can limit the damages that may be claimed;

(2) No action may be brought against the district more than three years after occurrence giving rise to the damages;

(3) In claims for inverse condemnation based on alleged negligent, defective or dangerous design of a sewer facility, the district is entitled to a defense that is a complete bar to recovery when the district can prove by a preponderance of the evidence that the design reasonably complied with sewer facility design standards at the time the facility was designed and constructed; and

(4) No claim for inverse condemnation will be upheld against the district for alleged failure to maintain, repair, or operate sewer facilities unless the plaintiff proves that the acts of the district directly caused or contributed to the damages.

In claims for inverse condemnation against the district, it will be a complete defense to the action if the district proves by a preponderance of the evidence that prior to the damage, the district offered the plaintiff a way to completely correct the alleged defect in the public sewer and the plaintiff unreasonably refused and therefore caused that taking of the plaintiff's property.