

FIRST REGULAR SESSION

# HOUSE BILL NO. 811

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHAD (Sponsor), SCHARNHORST, TILLEY, KELLY, DEEKEN, THOMSON, POLLOCK, SUTHERLAND, COOPER (158), JONES (117), BRUNS, FALLERT, HODGES, LAMPE, QUINN (9), WILSON (119), SCHLOTTACH, PARSON, KINGERY, MAY, FISHER, FRANZ, WELLS, DENISON, LOEHNER, NANCE, McGHEE, NIEVES, DETHROW, HOBBS, WASSON, WALLACE, MUNZLINGER, SCHAAF, WRIGHT, SATER, DOUGHERTY, FAITH, WITTE, KUESSNER, MEADOWS, THRELKELD, EMERY AND GUEST (Co-sponsors).

Read 1st time February 8, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1931L.02I

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### AN ACT

To repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming by electric utilities.

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

Section A. Section 537.340, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.340, to read as follows:

537.340. **1.** If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing on the land of any other person, including any governmental entity, or shall dig up, quarry or carry away any stones, ore or mineral, gravel, clay or mold, or any ice or other substance or material being a part of the realty, or any roots, fruits or plants, or cut down or carry away grass, grain, corn, flax or hemp in which such person has no interest or right, standing, lying or being on land not such person's own, or shall knowingly break the glass or any part of it in any building not such person's own, the person so offending shall pay to the party injured treble the value of the things so injured, broken, destroyed or carried away, with costs. Any person filing a claim for damages pursuant to this section need not prove negligence or intent.

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.

11           **2. Notwithstanding the provisions of subsection 1 of this section, the following rules**  
12 **shall apply to the trimming, removing, and controlling of trees and other vegetation by any**  
13 **public electrical company, municipal utility, rural electric cooperative, or organization**  
14 **operating under section 394.200, RSMo, hereafter referred to as an electric utility:**

15           **(1) Every electric utility that operates electric transmission or distribution lines**  
16 **shall have the authority to maintain the same by trimming, removing, and controlling trees**  
17 **and other vegetation posing a hazard to the continued safe and reliable operation thereof;**

18           **(2) An electric utility may exercise its authority under subdivision (1) of this**  
19 **subsection if the trees and other vegetation are:**

20           **(a) Within ten feet of either side of the centerline of electricity lines potentially**  
21 **energized at or below 34.5 kilovolts and located within the limits of any city; or**

22           **(b) Within forty feet of either side of the centerline of electricity lines potentially**  
23 **energized at or below 34.5 kilovolts and located outside the limits of any city; or**

24           **(c) Within fifty feet of either side of the centerline of electricity lines potentially**  
25 **energized between 34.5 and one hundred kilovolts; or**

26           **(d) Within the greater of the following for any electricity lines potentially energized**  
27 **at one hundred kilovolts or more:**

28           **a. Seventy-five feet to either side of the centerline; or**

29           **b. Any required clearance distance adopted by either the Federal Regulatory**  
30 **Commission or an Electric Reliability Organization authorized by the Energy Policy Act**  
31 **of 2005, 16 U.S.C. Section 824o. Such exercise shall be considered reasonable and**  
32 **necessary for the proper and reliable operation of electric service and shall create a**  
33 **presumption that the electric utility acted with reasonable care, operated within its rights**  
34 **regarding the operation and maintenance of its electricity lines, and has not committed a**  
35 **trespass;**

36           **(3) An electric utility may trim, remove, and control trees and other vegetation**  
37 **outside the provisions in subdivision (2) of this subsection if such actions are necessary to**  
38 **maintain the continued safe and reliable operation of its electric lines;**

39           **(4) An electric utility may secure from the owner or occupier of land greater**  
40 **authority to trim, remove, and control trees and other vegetation than the provisions set**  
41 **forth in subdivision (2) of this subsection and may exercise any and all rights regarding the**  
42 **trimming, removing, and controlling of trees and other vegetation granted in any easement**  
43 **held by the electric utility;**

44           **(5) An electric utility may trim or remove any tree of sufficient height outside the**  
45 **provisions of subdivision (2) of this subsection when such tree, if it were to fall, would**  
46 **threaten the integrity and safety of any electric transmission or distribution line;**

47           **(6) Prior to the removal of any tree under the provisions of subdivision (5) of this**  
48 **subsection, an electric utility shall notify the owner or occupier of land, if available, at least**  
49 **one week prior to such removal.**

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