

HCS SCS SB 907 -- REAL PROPERTY TRANSFERS AND PETROLEUM STORAGE TANKS

This bill changes the laws regarding real property transfers and petroleum fuel storage tanks. In its main provisions, the bill:

- (1) Prohibits water and sewer line easements from being considered as transfers of title of real property to counties. Therefore, these easements will not need to be proved or acknowledged to be valid if authorized for recording by the county commission;
- (2) Specifies that the Petroleum Storage Tank Insurance Fund board of trustees is a type III agency and must appoint an executive director and other employees as needed;
- (3) Extends the expiration date of the fund to December 31, 2020, increases the maximum per-tank fees collected by the fund from \$300 to \$500 with the option of requiring new applicants to conduct site assessments prior to participating in the fund and to pay a surcharge per tank for each year that the tank was eligible for coverage by the fund, and transfers the board of trustees of the fund from the Department of Natural Resources to the Office of Administration;
- (4) Allows any interested party to serve on the advisory committee for the fund and changes the committee's time period reporting requirement to the General Assembly on the status of private insurance for fuel storage from annually to every two years;
- (5) Specifies that the total liability of the fund for all cleanup costs, property damage, and bodily injury is \$1 million per occurrence or \$2 million in aggregate per year;
- (6) Specifies that after December 31, 2017, the current legal owner of a storage tank that was taken out of use prior to December 31, 1997, will be responsible for any corrective action due to a leak;
- (7) Prohibits the transfer of petroleum to tanks unless spill prevention, overfill protection, leak detection, and other types of equipment are installed on tanks and requires the Department of Natural Resources to red flag tanks that are ineligible to receive petroleum. The department must notify an owner in writing within 14 days of tagging a tank and must remove a tag upon a satisfactory resolution of the problem. The department is required to conduct an inspection in order to determine if a tag may be removed within 24 hours of the receipt of a notice that the problem has been corrected or the tank owner may remove the

tag and resume operations. An appeal of the department's decision may be made to the Administrative Hearing Commission or to the appropriate circuit court;

(8) Requires, beginning December 31, 2010, owners of aboveground storage tanks to participate in the fund or to maintain insurance for spills in the amount of at least \$1 million per spill and \$2 million in aggregate;

(9) Specifies that it is the public policy of the state to prohibit gasoline and diesel motor fuel in a retail sale transaction from being dispensed by any measuring device or equipment not approved by the Department of Agriculture or the National Type Evaluation Program; and

(10) Specifies that any transfer fee, declaration, or covenant which requires the payment of a fee to a specific person upon the transfer of real estate will not be binding on or enforceable against any subsequent owner, purchaser, or mortgagee of any interest in real property. Any lien claiming to secure the payment of a transfer fee under a transfer fee covenant recorded in Missouri on or after September 1, 2008, will be void and unenforceable.