

HCS#2 HB 1524 -- MAINTENANCE OF PRIVATE ROADS (Phillips)

COMMITTEE OF ORIGIN: Committee on Rural Community Development

This substitute specifies that when adjoining homeowners who have an easement or benefitted homeowners for any private road subject to the use of more than one homeowner, in the absence of a prior order or written agreement for the maintenance of the road, are unable to agree in writing upon a plan for the maintenance, repair, or improvement of the private road, one or more of the homeowners may petition the circuit court for an order establishing a plan of maintenance. The cost of the plan must be apportioned among the homeowners according to the use and benefit to the residential property benefitted by the access as mutually agreed by the homeowners or as ordered by the court. The court may order a plan or may appoint disinterested commissioners to determine a plan and the apportionment of costs. Any agreement executed by all owners for, or final order approving, a plan of maintenance must be recorded with the county recorder of deeds. One or more adjoining landowners or holders of an easement to use a private road may bring an action to enforce the maintenance plan, whether as mutually agreed or as ordered by the court. A private road does not include any road that is owned by the United States, the State of Missouri, or any political entity, instrumentality, or agency of the state. The provisions of the substitute do not apply to any land or property owned or operated by a railroad regulated by the Federal Railroad Administration.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.