

FIRST REGULAR SESSION

# SENATE BILL NO. 563

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Read 1st time February 22, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2328S.011

## AN ACT

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

*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Section A. Section 537.340, RSMo, is repealed and one new section  
2 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  
2 any tree placed or growing for use, shade or ornament, or any timber, rails or  
3 wood standing, being or growing on the land of any other person, including any  
4 governmental entity, or shall dig up, quarry or carry away any stones, ore or  
5 mineral, gravel, clay or mold, or any ice or other substance or material being a  
6 part of the realty, or any roots, fruits or plants, or cut down or carry away grass,  
7 grain, corn, flax or hemp in which such person has no interest or right, standing,  
8 lying or being on land not such person's own, or shall knowingly break the glass  
9 or any part of it in any building not such person's own, the person so offending  
10 shall pay to the party injured treble the value of the things so injured, broken,  
11 destroyed or carried away, with costs. Any person filing a claim for damages  
12 pursuant to this section need not prove negligence or intent.

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

19 (1) Every electric utility that operates electric transmission or  
20 distribution lines shall have the authority to maintain the same by

21 trimming, removing, and controlling trees and other vegetation posing  
22 a hazard to the continued safe and reliable operation thereof;

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

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

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

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

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

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

36 b. Any required clearance distance adopted by either the Federal  
37 Regulatory Commission or an Electric Reliability Organization  
38 authorized by the Energy Policy Act of 2005, 16 U.S.C. Section  
39 824o. Such exercise shall be considered reasonable and necessary for  
40 the proper and reliable operation of electric service and shall create a  
41 presumption that the electric utility acted with reasonable care,  
42 operated within its rights regarding the operation and maintenance of  
43 its electricity lines, and has not committed a trespass;

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

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

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

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

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