

FIRST REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

# SENATE BILL NO. 153

90TH GENERAL ASSEMBLY

1999

S0198.01T

## AN ACT

To repeal section 70.322, RSMo 1994, relating to contracting with road districts, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 70.322, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 70.322, to read as follows:

70.322. A public entity, **cemetery** or nonprofit organization may contract with any county, city, township, or any special road district for the use of such county's, city's, township's or special road district's equipment and personnel to repair or maintain roads of public entities, **cemeteries** or roads owned by nonprofit organizations, or to perform such other roadwork-related activities for such public entity, **cemetery** or nonprofit organization, if such public entity, **cemetery** or nonprofit organization is located within the boundaries of the county, city, township, or special road district. As used in this section, a nonprofit organization shall mean a 501(c)(3) organization as defined under the Internal Revenue Code and an organization in an area where there is no access to private services. Such contract shall be in writing and shall provide that:

(1) The public entity, **cemetery** or nonprofit organization holds the county, city, township, or special road district harmless for any damage to persons or property which may accrue as a result of such roadwork; and

(2) The public entity, **cemetery** or nonprofit organization shall pay the county, city, township, or special road district for such roadwork. The amount of payment shall be stated in the contract, and shall not be less than the reasonable cost to the county, city, township, or special

road district for such roadwork or rental.

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