

FIRST REGULAR SESSION

# HOUSE BILL NO. 706

96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ZERR.

1803L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 527.188, RSMo, and to enact in lieu thereof one new section relating to abandoned easements.

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

Section A. Section 527.188, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 527.188, to read as follows:

527.188. **1.** A property owner of land burdened by an easement created after December 31, 2006, abandoned in whole for a period in excess of ten years, may petition a court of competent jurisdiction to obtain the rights previously transferred and vacation of the easement for monetary consideration equal to the original consideration obtained by the property owner in exchange for the easement. The holder of the easement shall be a party to such action. The holder of any such easement shall be allowed to maintain the easement upon a showing that the holder, in good faith, plans to make future use of the easement. The right to request that an easement be vacated may be waived by the property owner of record from whom the easement was originally acquired or by such property owner's successor in title to the burdened property either in the original instrument of conveyance or in a subsequent signed writing.

**2. Any owner or operator of pipelines transporting petroleum or natural gas that fails to maintain an easement for the purpose described in the instrument of conveyance for a period of ten years shall be deemed to have abandoned the easement, thereby terminating the easement and surrendering the rights previously transferred to the property owner of record. The property owner of record shall provide monetary consideration equal to the original consideration obtained by the property owner in exchange for the easement. Any owner or operator of pipelines transporting petroleum or**

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.

18 **natural gas shall, upon abandonment of its easement, remove any improvements made to**  
19 **the property and remediate and restore the property to its original condition prior to the**  
20 **creation of the easement.**

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