

SECOND REGULAR SESSION

SENATE BILL NO. 1052

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NODLER.

Read 1st time February 15, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5060S.02I

AN ACT

To amend chapter 319, RSMo, by adding thereto one new section relating to damage to underground facilities.

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

Section A. Chapter 319, RSMo, is amended by adding thereto one new
2 section, to be known as section 319.042, to read as follows:

**319.042. 1. Notwithstanding any other provision of law, any
2 claim for damage to an underground facility alleged to be caused by
3 excavation that is brought by an underground facility owner against an
4 excavator shall be made in writing and delivered to the excavator
5 within ninety days of completion of repairs to the facility and shall in
6 no case be made more than one hundred twenty days after the date the
7 person responsible for the excavation notified the notification center
8 of damage under section 319.045. Any claim not made within the time
9 periods prescribed by this section, or within such other time period as
10 may be agreed upon in writing by the owner and excavator after the
11 occurrence of the damage, shall be barred. If no notice of damage was
12 made by the excavator or the excavator concealed, or attempted to
13 conceal, damage to the facility or made unauthorized repairs to the
14 damaged facility, the limitation of this section shall not apply. If
15 repairs cannot be made within ninety days after the notice of damage
16 by the excavator due to an order or notice of investigation by the
17 Missouri public service commission or the federal office of pipeline
18 safety or by order of a state or federal court, and if the owner has
19 delivered to the excavator a copy of the order or notice of investigation
20 within such ninety-day period, then the period within which a claim
21 may be delivered to the excavator shall end ninety days after**

22 **completion of repairs.**

23 **2. Any claim delivered to an excavator under subsection 1 of this**
24 **section either shall be paid by the excavator within one hundred**
25 **twenty days after receipt of the claim, or if the claim is disputed by the**
26 **excavator, in whole or in part, a written statement stating the reason**
27 **or reasons for disputing the claim shall be made in writing and**
28 **delivered by the excavator to the underground facility owner making**
29 **the claim within one hundred twenty days after receipt of the claim.**

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