

319.085. Presumption of negligence, when, rebuttable

If a violation of any of the provisions of sections 319.075 to 319.090 results in physical or electrical contact with any high voltage overhead line, such violation shall be a rebuttable presumption of negligence on the part of the violator in the event such violation shall cause injury, loss or damage, and notwithstanding any other law to the contrary, the public utility shall have the right of contribution against any such violator. In addition to any penalties provided herein, liability under common law may apply.

319.088. Exemptions from law

Sections 319.075 to 319.090 shall not apply to:

- 1) Construction, operation or maintenance of power lines and telecommunication lines or authorized attachments thereto by an authorized person as defined in Section 319.078; or
- 2) Governmental entities responding to a emergency situation.

319.090. Violations, penalty

Any person who violates any of the provisions of sections 319.075 to 319.088 is guilty of class B misdemeanor.



The Missouri Overhead Power Line Safety Act

The Missouri Overhead Power Line Safety Act is a statute making it illegal for an unauthorized person or entity to work or bring equipment within 10 feet of a high voltage overhead line that has not been covered or de-energized. The purpose of The Missouri Overhead Power Line Safety Act is to ensure the safety of the public when working around power lines. The full text of The Missouri Overhead Power Line Safety Act is set out below. If you have any questions about your responsibilities under the Act, please immediately contact KCP&L at **(816) 471-5275**.

319.075. Citation of law

Sections 319.075 to 319.090 may be cited and shall be known as the "Overhead Power Line Safety Act."

319.078. Definitions

As used in sections 319.075 to 319.090, the following terms mean:

- 1) **"Authorized person:"**
 - a) An employee of a public utility or an employee of a contractor which has been authorized by a public utility to perform construction, operation or maintenance on or near the poles or structures of such utility;
 - b) An employee of a cable television or communication services company or an employee of a contractor authorized to make cable television or communication service attachments; or

- c) An employee of the state, county or municipality which has authorized circuit construction, operation or maintenance on or near the poles or structures of a public utility;
- 2) **“High voltage:”** Electric potential in excess of 600 volts measured between conductors or between a conductor and the ground;
- 3) **“Overhead lines:”** All electrical conductors installed above ground;
- 4) **“Person:”** An individual, firm, joint venture, partnership, corporation, association, municipality or governmental unit that performs or contracts to perform any function or activity upon any land, building, highway or other premises in proximity to an overhead line;
- 5) **“Public utility:”** Includes those entities defined as such in section 386.020, RSMo, as well as municipally owned electrical systems and electric cooperatives provided for in chapters 91 and 394, RSMo.

319.080. Activities within 10 feet of power lines prohibited, exceptions

Unless danger against contact with high voltage overhead lines has been guarded against as provided by section 319.083, no person, individually or through an agent or employee, shall store, operate, erect maintain, move or transport any tools, machinery, equipment, supplies, or materials or any other device that conducts electricity, within 10 feet of any high voltage overhead line, or perform or require any other person to perform any function or activity upon any land, building, highway or other premises, if at any time during the performance thereof it could reasonably be expected that the person performing the function or activity could move or be placed within 10 feet of any high voltage overhead line.

319.083. Special devices and precautions required—costs

- 1) When any person desires to temporarily carry out any function or activity in closer proximity to any high voltage overhead line than is permitted by sections 319.075 to 319.090, the person or persons responsible for the function or activity shall notify the public utility which owns or operates the high voltage overhead line of the function or activity, and shall make appropriate arrangements with the public utility for temporary mechanical barriers, temporary de-energization and grounding of the conductors, temporary rerouting of electric current or temporary relocating of the conductors, before proceeding with any function or activity which would impair the clearances required by sections 319.075 to 319.090.
- 2) A person requesting a public utility to provide temporary clearances or other safety precautions shall be responsible for payment of those costs incurred by such utility in the temporary rerouting of electric current or the temporary relocating of the conductors. Upon request, a public utility shall provide a written cost estimate for the work needed to provide temporary clearances or other safety precautions. A public utility is not required to provide such clearances or other safety precautions until payment of the estimated amount has been made. Unless otherwise agreed to, a public utility shall commence work on such clearances or other safety precautions within seven working days after payment has been made.