

28 the provisions of this section.

29 (b) If the expense of the erection and maintenance of the ~~[allowed-gates]~~ gate is not
 30 paid or if ~~[any]~~ a lock or other device is placed upon the ~~[gates]~~ gate so as to make ~~[them]~~ it
 31 restrictive, the county executive of that county shall notify the responsible party that ~~[their]~~
 32 county approval is terminated and the gate ~~[shall be]~~ is considered to be an obstruction
 33 ~~[pursuant to]~~ under Section 72-7-105.

34 ~~[(5)]~~ (6) The placement or maintenance of ~~[gates]~~ a gate with the ~~[consent]~~
 35 authorization of the county executive across ~~[B-system]~~ a county ~~[highways]~~ road ~~h~~ [for the] ~~h~~
 36 [statutory] ~~h~~ [period of time specified in Section 72-5-104] ~~h~~ does not constitute or establish an
 37 abandonment under ~~h~~ [Section] SECTIONS 72-5-105 OR h 72-5-305 by the county and does not
 37a establish an easement on
 38 behalf of the person establishing the gate.

39 ~~[(6)]~~ (7) A person who commits any of the following acts is guilty of a class B
 40 misdemeanor and is liable for ~~[any and]~~ all damages suffered by ~~[any]~~ a party as a result of the
 41 acts:

- 42 (a) ~~[leave]~~ leaves open ~~[any]~~ a gate, erected or maintained under this section;
 43 (b) unnecessarily ~~[drive]~~ drives over the ground adjoining the highway on which a gate
 44 is erected;
 45 (c) ~~[place any]~~ places a lock or other restrictive device on a gate; or
 46 (d) ~~[violate any rules or regulations of any]~~ violates a rule or regulation of a county
 47 legislative body relating to the gates within the county.

48 ~~[(7) The provisions of this section relating to maintenance and removal of gates over B~~
 49 ~~system county highways applies retrospectively to all gates in existence on April 1, 1976.]~~

Legislative Review Note

as of 1-29-03 10:23 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0242

Protection of Rights-Of-Way - Gates on County Roads

10-Feb-03

11:31 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst