

# SENATE BILL NO. 439

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

1934S.01I

ADRIANE D. CROUSE, Secretary

## AN ACT

To amend chapter 442, RSMo, by adding thereto one new section relating to actions to quiet title involving subsurface rights.

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

Section A. Chapter 442, RSMo, is amended by adding thereto  
2 one new section, to be known as section 442.690, to read as  
3 follows:

**442.690. 1. As used in this section, the following  
2 terms shall mean:**

3 (1) "Exercise of subsurface rights", includes, but is  
4 not limited to, the following:

5 (a) The production of any coal or other minerals and  
6 the production of any oil and gas under subsurface rights;

7 (b) Operations being conducted under subsurface rights  
8 for injection, withdrawal, storage, or disposal of water,  
9 oil, gas, or other fluid substances;

10 (c) Payment of taxes or fees on subsurface rights by  
11 the owner or owner's agent;

12 (d) A valid permit of any government agency pertaining  
13 to the use of subsurface rights has been issued;

14 (2) "Subsurface rights", coal or other minerals, oil  
15 or gas interests or rights, or any combination of those  
16 rights or interests.

17 2. In an action to quiet title involving subsurface  
18 rights to real property, failure by any person claiming to

19 hold the subsurface rights, other than the surface owner of  
20 the real property, to exercise the subsurface rights for a  
21 period in excess of twenty years shall create a rebuttable  
22 presumption that the subsurface rights have been abandoned  
23 by such person in favor of the surface owner.

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