

HOUSE BILL No. 2081

By Representative McCreary

1-28

AN ACT concerning certain noise from oil and gas wells; prohibiting certain acts and providing penalties and civil remedies for violations.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) No person shall operate any oil or gas well which makes noise that is plainly audible beyond the property line of the oil or gas lease where the well is located or within 25 feet of any occupied residence, whichever is closer to the well, unless the motor or engine running the well's pump is equipped with a properly installed and operating silencer or muffler.

(b) No person shall operate between the hours of 10 p.m. and 7 a.m. any oil or gas well which makes noise that is plainly audible within any residence located 500 feet or more from the motor or engine running the well pump.

(c) Violation of subsection (a) or (b) is a class B misdemeanor.

(d) In addition to or in lieu of the penalty provided pursuant to subsection (c), violation of subsection (a) or (b) shall render the operator of an oil or gas well liable to any person aggrieved by noise due to such violation for the payment of a civil penalty. Such penalty shall be recoverable in an individual action in the district court of the county where the oil or gas well is located and shall be in a sum set by the court at not less than \$100 nor more than \$1,000 for each day that the violation occurs. In such action, the court may award such person reasonable attorney fees and costs of prosecuting the action.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.