

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1547
100TH GENERAL ASSEMBLY

3646H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to liability for prescribed burns.

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

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be
2 known as section 537.354, to read as follows:

**537.354. 1. This section shall be known and may be cited as the "Prescribed
2 Burning Act".**

3 **2. As used in this section, the following terms mean:**

4 **(1) "Agent of an owner of land", any person who has permission from a landowner
5 to participate in a prescribed burning on the landowner's property, but shall not include
6 a certified prescribed burn manager who manages a prescribed burning on the
7 landowner's property;**

8 **(2) "Certified prescribed burn manager", a person who successfully completes a
9 prescribed burn certification program approved by the Missouri department of
10 conservation;**

11 **(3) "Prescribed burn plan", a written plan that is in a format approved by the
12 Missouri department of conservation establishing the conditions and methods to perform
13 a prescribed burning;**

14 **(4) "Prescribed burning", the planned and controlled application of fire to existing
15 vegetative fuels in order to accomplish one or more specific land management objectives
16 including, but not limited to, vegetative fuel reduction, silvicultural treatments, wildlife
17 habitat improvement, and management of grassland and other plant communities.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **3. Prescribed burning is a land management tool that benefits the safety of the**
19 **public, the environment, and the economy of the state of Missouri.**

20 **4. No owner of land or agent of an owner of land shall be liable for damage, injury,**
21 **or loss caused by a prescribed burning or the resulting smoke of a prescribed burning**
22 **conducted at the direction of a certified prescribed burn manager in accordance with a**
23 **prescribed burn plan unless the owner of land or agent of an owner of land is proven to**
24 **be negligent.**

25 **5. No certified prescribed burn manager shall be liable for damage, injury, or loss**
26 **caused by a prescribed burning or the resulting smoke of a prescribed burning conducted**
27 **at the direction of a certified prescribed burn manager in accordance with a prescribed**
28 **burn plan unless the certified prescribed burn manager is proven to be negligent.**

29 **6. A certified prescribed burn manager under subsection 5 of this section who is**
30 **being compensated for conducting a prescribed burn shall carry professional liability**
31 **insurance coverage in an amount of no less than one million dollars.**

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