

FIRST REGULAR SESSION

HOUSE BILL NO. 978

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHAWAN.

1995H.011

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 known as section 537.354, to read as follows:

537.354. 1. This section shall be known and may be cited as the "Prescribed Burning Act". As used in this section "prescribed burning" is a land management tool that benefits the safety of the public, the environment, and the economy of Missouri.

2. Except as provided in subsection 3 of this section, no landowner or agent of a landowner shall be liable for damage, injury, or loss caused by a prescribed burn or the resulting smoke of a prescribed burn so long as the burn is conducted at the direction of a state-certified prescribed burn manager in accordance with a written prescribed burn plan.

3. Nothing in this section shall be construed to create liability, but this section shall not limit liability that otherwise would be incurred by those landowners or their agents conducting prescribed burns if the damage or injury occurs as a result of malicious or grossly negligent conduct of a prescribed burn.

✓

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.