

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 631

96TH GENERAL ASSEMBLY
2012

5053S.05T

AN ACT

To repeal sections 178.530, 276.401, 304.180, 350.015, and 578.005, RSMo, and to enact in lieu thereof thirteen new sections relating to agriculture, with penalty provisions.

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

Section A. Sections 178.530, 276.401, 304.180, 350.015, and 578.005, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 178.530, 262.255, 276.401, 304.180, 350.015, 350.017, 537.850, 537.856, 537.859, 578.005, 578.013, 1, and 2, to read as follows:

178.530. 1. The state board of education shall establish standards and annually inspect, as a basis for approval, all public prevocational, vocational schools, Linn State Technical College, departments and classes receiving state or federal moneys for giving training in agriculture, industrial, home economics and commercial subjects and all schools, departments and classes receiving state or federal moneys for the preparation of teachers and supervisors of such subjects. The public prevocational and vocational schools, Linn State Technical College, departments, and classes, and the training schools, departments and classes are entitled to the state or federal moneys so long as they are approved by the state board of education, as to site, plant, equipment, qualifications of teachers, admission of pupils, courses of study and methods of instruction. All disbursements of state or federal moneys for the benefit of the approved prevocational and vocational schools, Linn State Technical College, departments and classes shall be made semiannually. The school board of each approved

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 school or the governing body of Linn State Technical College shall file a report
16 with the state board of education at the times and in the form that the state
17 board requires. Upon receipt of a satisfactory report, the state board of education
18 shall certify to the commissioner of administration for his approval the amount
19 of the state and federal moneys due the school district or Linn State Technical
20 College. The amount due the school district shall be certified by the
21 commissioner of administration and proper warrant therefor shall be issued to
22 the district treasurer or Linn State Technical College.

23 **2. Notwithstanding the provisions of subsection 1 of this section,**
24 **the state board of education shall establish standards for agricultural**
25 **education that may be adopted by a private school accredited by an**
26 **agency recognized by the United States Department of Education as an**
27 **accreditor of private schools that wishes to provide quality vocational**
28 **programming outside the requirements of, but consistent with, the**
29 **federal vocational education act. Such standards shall be sufficient to**
30 **qualify a private school to apply to the state chapter for approval of a**
31 **local chapter of a federally chartered national agricultural education**
32 **association on a form developed for that purpose by the department of**
33 **elementary and secondary education. The provisions of this subsection**
34 **shall not be construed to create eligibility for a private school to**
35 **receive state or federal funding for agricultural vocational education,**
36 **but shall not prohibit a private school from receiving state or federal**
37 **funds for which such private school would otherwise be eligible for**
38 **agricultural vocational education. Any such private school shall**
39 **reimburse the department annually for the cost of oversight and**
40 **maintenance of the program.**

262.255. The state fair commission shall permit all qualifying 4-H
2 **and Future Farmers of America (FFA) members to exhibit livestock at**
3 **the state fair. The state fair commission shall have the authority to**
4 **establish rules and fees for participation in its individual events.**

276.401. 1. Sections 276.401 to 276.582 shall be known as the "Missouri
2 Grain Dealer Law".

3 2. The provisions of the Missouri grain dealer law shall apply to grain
4 purchases where title to the grain transfers from the seller to the buyer within
5 the state of Missouri.

6 3. Unless otherwise specified by contractual agreement, title shall be
7 deemed to pass to the buyer as follows:

8 (1) On freight on board (FOB) origin or freight on board (FOB) basing

9 point contracts, title transfers at time and place of shipment;

10 (2) On delivered contracts, when and where constructively placed, or
11 otherwise made available at buyer's original destination;

12 (3) On contracts involving in-store commodities, at the storing warehouse
13 and at the time of contracting or transfer, and/or mailing of documents, if
14 required, by certified mail, unless and to the extent warehouse tariff, warehouse
15 receipt and/or storage contract assumes the risk of loss and/or damage.

16 4. As used in sections 276.401 to 276.582, unless the context otherwise
17 requires, the following terms mean:

18 (1) "Auditor", a person appointed under sections 276.401 to 276.582 by the
19 director to assist in the administration of sections 276.401 to 276.582, and whose
20 duties include making inspections, audits and investigations authorized under
21 sections 276.401 to 276.582;

22 (2) "Authorized agent", any person who has the legal authority to act on
23 behalf of, or for the benefit of, another person;

24 (3) "Buyer", any person who buys or contracts to buy grain;

25 (4) "Certified public accountant", any person licensed as such under
26 chapter 326;

27 (5) "Claimant", any person who requests payment for grain sold by him
28 to a dealer, but who does not receive payment because the purchasing dealer fails
29 or refuses to make payment;

30 (6) "Credit sales contracts", a conditional grain sales contract wherein
31 payment and/or pricing of the grain is deferred to a later date. Credit sales
32 contracts include, but are not limited to, all contracts meeting the definition of
33 deferred payment contracts, and/or delayed price contracts;

34 (7) "Current assets", resources that are reasonably expected to be realized
35 in cash, sold, or consumed (prepaid items) within one year of the balance sheet
36 date;

37 (8) "Current liabilities", obligations reasonably expected to be liquidated
38 within one year and the liquidation of which is expected to require the use of
39 existing resources, properly classified as current assets, or the creation of
40 additional liabilities. Current liabilities include obligations that, by their terms,
41 are payable on demand unless the creditor has waived, in writing, the right to
42 demand payment within one year of the balance sheet date;

43 (9) "Deferred payment agreement", a conditional grain sales transaction
44 establishing an agreed upon price for the grain and delaying payment to an
45 agreed upon later date or time period. Ownership of the grain, and the right to
46 sell it, transfers from seller to buyer so long as the conditions specified in section

47 276.461 and section 411.325 are met;

48 (10) "Deferred pricing agreement", a conditional grain sales transaction
49 wherein no price has been established on the grain, the seller retains the right
50 to price the grain later at a mutually agreed upon method of price
51 determination. Deferred pricing agreements include, but are not limited to,
52 contracts commonly known as no price established contracts, price later contracts,
53 and basis contracts on which the purchase price is not established at or before
54 delivery of the grain. Ownership of the grain, and the right to sell it, transfers
55 from seller to buyer so long as the conditions specified in section 276.461 and
56 section 411.325 are met;

57 (11) "Delivery date" shall mean the date upon which the seller transfers
58 physical possession, or the right of physical possession, of the last unit of grain
59 in any given transaction;

60 (12) "Department", the Missouri department of agriculture;

61 (13) "Designated representative", an employee or official of the
62 department designated by the director to assist in the administration of sections
63 276.401 to 276.582;

64 (14) "Director", the director of the Missouri department of agriculture or
65 his designated representative;

66 (15) "Generally accepted accounting principles", the conventions, rules and
67 procedures necessary to define accepted accounting practice, which include broad
68 guidelines of general application as well as detailed practices and procedures
69 generally accepted by the accounting profession, and which have substantial
70 authoritative support from the American Institute of Certified Public
71 Accountants;

72 (16) "Grain", all grains for which the United States Department of
73 Agriculture has established standards under the United States Grain Standards
74 Act, Sections 71 to 87, Title 7, United States Code, and any other agricultural
75 commodity or seed prescribed by the director by regulation;

76 (17) "Grain dealer" or "dealer", any person engaged in the business of, or
77 as a part of his business participates in, buying grain where title to the grain
78 transfers from the seller to the buyer within the state of Missouri. "Grain dealer"
79 or "dealer" shall not be construed to mean or include:

80 (a) Any person or entity who is a member of a recognized board of trade
81 or futures exchange and whose trading in grain is limited solely to trading with
82 other members of a recognized board of trade or futures exchange; provided, that
83 grain purchases from a licensed warehouseman, farmer/producer or any other
84 individual or entity in a manner other than through the purchase of a grain

85 futures contract on a recognized board of trade or futures exchange shall be
86 subject to sections 276.401 to 276.582. Exempted herein are all futures
87 transactions;

88 (b) A producer or feeder of grain for livestock or poultry buying grain for
89 his own farming or feeding purposes who purchases grain exclusively from
90 licensed grain dealers or whose total grain purchases from producers during his
91 or her fiscal year do not exceed fifty thousand bushels;

92 (c) Any person or entity whose grain purchases in the state of Missouri
93 are made exclusively from licensed grain dealers;

94 (d) A manufacturer or processor of registered or unregistered feed whose
95 total grain purchases from producers during his or her fiscal year [does] **do** not
96 exceed [one hundred thousand dollars] **fifty thousand bushels** and who pays
97 for all grain purchases from producers at the time of physical transfer of the
98 grain from the seller or his or her agent to the buyer or his or her agent and
99 whose resale of such grain is solely in the form of manufactured or processed feed
100 or feed by-products or whole feed grains to be used by the purchaser thereof as
101 feed;

102 (18) "Grain transport vehicle", a truck, tractor-trailer unit, wagon, pup,
103 or any other vehicle or trailer used by a dealer, whether owned or leased by him,
104 to transport grain which he has purchased; except that, bulk or bagged feed
105 delivery trucks which are used principally for the purpose of hauling feed and any
106 trucks for which the licensed gross weight does not exceed twenty-four thousand
107 pounds shall not be construed to be a grain transport vehicle;

108 (19) "Insolvent" or "insolvency", (a) an excess of liabilities over assets or
109 (b) the inability of a person to meet his financial obligations as they come due, or
110 both (a) and (b);

111 (20) "Interested person", any person having a contractual or other
112 financial interest in grain sold to a dealer, licensed, or required to be licensed;

113 (21) "Location", any site other than the principal office where the grain
114 dealer engages in the business of purchasing grain;

115 (22) "Minimum price contract", a conditional grain sales transaction
116 establishing an agreed upon minimum price where the seller may participate in
117 subsequent price gain, if any. Ownership of the grain, and the right to sell it,
118 transfers from the seller to the buyer so long as the conditions specified in section
119 276.461 and section 411.325 are met;

120 (23) "Person", any individual, partnership, corporation, cooperative,
121 society, association, trustee, receiver, public body, political subdivision or any
122 other legal or commercial entity of any kind whatsoever, and any member, officer

123 or employee thereof;

124 (24) "Producer", any owner, tenant or operator of land who has an interest
 125 in and receives all or any part of the proceeds from the sale of grain or livestock
 126 produced thereon;

127 (25) "Purchase", to buy or contract to buy grain;

128 (26) "Sale", the passing of title from the seller to the buyer in
 129 consideration of the payment or promise of payment of a certain price in money,
 130 or its equivalent;

131 (27) "Value", any consideration sufficient to support a simple contract.

304.180. 1. No vehicle or combination of vehicles shall be moved or
 2 operated on any highway in this state having a greater weight than twenty
 3 thousand pounds on one axle, no combination of vehicles operated by transporters
 4 of general freight over regular routes as defined in section 390.020 shall be moved
 5 or operated on any highway of this state having a greater weight than the vehicle
 6 manufacturer's rating on a steering axle with the maximum weight not to exceed
 7 twelve thousand pounds on a steering axle, and no vehicle shall be moved or
 8 operated on any state highway of this state having a greater weight than
 9 thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall
 10 mean a group of two or more axles, arranged one behind another, the distance
 11 between the extremes of which is more than forty inches and not more than
 12 ninety-six inches apart.

13 2. An "axle load" is defined as the total load transmitted to the road by
 14 all wheels whose centers are included between two parallel transverse vertical
 15 planes forty inches apart, extending across the full width of the vehicle.

16 3. Subject to the limit upon the weight imposed upon a highway of this
 17 state through any one axle or on any tandem axle, the total gross weight with
 18 load imposed by any group of two or more consecutive axles of any vehicle or
 19 combination of vehicles shall not exceed the maximum load in pounds as set forth
 20 in the following table:

21 Distance in feet	
22 between the extremes	
23 of any group of two or	
24 more consecutive axles,	
25 measured to the nearest	
26 foot, except where	
27 indicated otherwise	Maximum load in pounds

	feet	2 axles	3 axles	4 axles	5 axles	6 axles
28	4	34,000				
29	5	34,000				
30	6	34,000				
31	7	34,000				
32	8	34,000	34,000			
33	More than 8	38,000	42,000			
34	9	39,000	42,500			
35	10	40,000	43,500			
36	11	40,000	44,000			
37	12	40,000	45,000	50,000		
38	13	40,000	45,500	50,500		
39	14	40,000	46,500	51,500		
40	15	40,000	47,000	52,000		
41	16	40,000	48,000	52,500	58,000	
42	17	40,000	48,500	53,500	58,500	
43	18	40,000	49,500	54,000	59,000	
44	19	40,000	50,000	54,500	60,000	
45	20	40,000	51,000	55,500	60,500	66,000
46	21	40,000	51,500	56,000	61,000	66,500
47	22	40,000	52,500	56,500	61,500	67,000
48	23	40,000	53,000	57,500	62,500	68,000
49	24	40,000	54,000	58,000	63,000	68,500
50	25	40,000	54,500	58,500	63,500	69,000
51	26	40,000	55,500	59,500	64,000	69,500
52	27	40,000	56,000	60,000	65,000	70,000
53	28	40,000	57,000	60,500	65,500	71,000
54	29	40,000	57,500	61,500	66,000	71,500
55	30	40,000	58,500	62,000	66,500	72,000
56	31	40,000	59,000	62,500	67,500	72,500
57	32	40,000	60,000	63,500	68,000	73,000
58	33	40,000	60,000	64,000	68,500	74,000

60	34	40,000	60,000	64,500	69,000	74,500
61	35	40,000	60,000	65,500	70,000	75,000
62	36		60,000	66,000	70,500	75,500
63	37		60,000	66,500	71,000	76,000
64	38		60,000	67,500	72,000	77,000
65	39		60,000	68,000	72,500	77,500
66	40		60,000	68,500	73,000	78,000
67	41		60,000	69,500	73,500	78,500
68	42		60,000	70,000	74,000	79,000
69	43		60,000	70,500	75,000	80,000
70	44		60,000	71,500	75,500	80,000
71	45		60,000	72,000	76,000	80,000
72	46		60,000	72,500	76,500	80,000
73	47		60,000	73,500	77,500	80,000
74	48		60,000	74,000	78,000	80,000
75	49		60,000	74,500	78,500	80,000
76	50		60,000	75,500	79,000	80,000
77	51		60,000	76,000	80,000	80,000
78	52		60,000	76,500	80,000	80,000
79	53		60,000	77,500	80,000	80,000
80	54		60,000	78,000	80,000	80,000
81	55		60,000	78,500	80,000	80,000
82	56		60,000	79,500	80,000	80,000
83	57		60,000	80,000	80,000	80,000

84 Notwithstanding the above table, two consecutive sets of tandem axles may carry
85 a gross load of thirty-four thousand pounds each if the overall distance between
86 the first and last axles of such consecutive sets of tandem axles is thirty-six feet
87 or more.

88 4. Whenever the state highways and transportation commission finds that
89 any state highway bridge in the state is in such a condition that use of such
90 bridge by vehicles of the weights specified in subsection 3 of this section will
91 endanger the bridge, or the users of the bridge, the commission may establish
92 maximum weight limits and speed limits for vehicles using such bridge. The

93 governing body of any city or county may grant authority by act or ordinance to
94 the state highways and transportation commission to enact the limitations
95 established in this section on those roadways within the purview of such city or
96 county. Notice of the weight limits and speed limits established by the
97 commission shall be given by posting signs at a conspicuous place at each end of
98 any such bridge.

99 5. Nothing in this section shall be construed as permitting lawful axle
100 loads, tandem axle loads or gross loads in excess of those permitted under the
101 provisions of Section 127 of Title 23 of the United States Code.

102 6. Notwithstanding the weight limitations contained in this section, any
103 vehicle or combination of vehicles operating on highways other than the interstate
104 highway system may exceed single axle, tandem axle and gross weight limitations
105 in an amount not to exceed two thousand pounds. However, total gross weight
106 shall not exceed eighty thousand pounds, except as provided in [subsection]
107 **subsections 9 and 10** of this section.

108 7. Notwithstanding any provision of this section to the contrary, the
109 department of transportation shall issue a single-use special permit, or upon
110 request of the owner of the truck or equipment, shall issue an annual permit, for
111 the transporting of any concrete pump truck or well-drillers' equipment. The
112 department of transportation shall set fees for the issuance of permits pursuant
113 to this subsection. Notwithstanding the provisions of section 301.133, concrete
114 pump trucks or well-drillers' equipment may be operated on state-maintained
115 roads and highways at any time on any day.

116 8. Notwithstanding the provision of this section to the contrary, the
117 maximum gross vehicle limit and axle weight limit for any vehicle or combination
118 of vehicles equipped with an idle reduction technology may be increased by a
119 quantity necessary to compensate for the additional weight of the idle reduction
120 system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the
121 additional weight increase allowed by this subsection be greater than four
122 hundred pounds. Upon request by an appropriate law enforcement officer, the
123 vehicle operator shall provide proof that the idle reduction technology is fully
124 functional at all times and that the gross weight increase is not used for any
125 purpose other than for the use of idle reduction technology.

126 9. Notwithstanding subsection 3 of this section or any other provision of
127 law to the contrary, the total gross weight of any vehicle or combination of
128 vehicles hauling livestock may be as much as, but shall not exceed, eighty-five
129 thousand five hundred pounds while operating on U.S. Highway 36 from St.
130 Joseph to U.S. Highway [65, and] **63**, on U.S. Highway 65 from the Iowa state

131 line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line
132 to U.S. Highway 36, and on U.S. Highway 63 from U.S. Highway 36 to
133 Missouri Route 17. The provisions of this subsection shall not apply to
134 vehicles operated on the Dwight D. Eisenhower System of Interstate
135 and Defense Highways.

136 **10. Notwithstanding any provision of this section or any other**
137 **law to the contrary, the total gross weight of any vehicle or**
138 **combination of vehicles hauling milk from a farm to a processing**
139 **facility may be as much as, but shall not exceed, eight-five thousand**
140 **five hundred pounds while operating on highways other than the**
141 **interstate highway system. The provisions of this subsection shall not**
142 **apply to vehicles operating on the Dwight D. Eisenhower System of**
143 **Interstate and Defense Highways.**

 350.015. After September 28, 1975, no corporation not already engaged in
2 farming shall engage in farming; nor shall any corporation, directly or indirectly,
3 acquire, or otherwise obtain an interest, whether legal, beneficial or otherwise,
4 in any title to agricultural land in this state; provided, however, that the
5 restrictions set forth in this section shall not apply to the following:

6 (1) A bona fide encumbrance taken for purposes of security;

7 (2) A family farm corporation or an authorized farm corporation as defined
8 in section 350.010;

9 (3) Agricultural land and land capable of being used for farming owned
10 by a corporation as of September 28, 1975, including the normal expansion of
11 such ownership at a rate not to exceed twenty percent, measured in acres, in any
12 five-year period, or agricultural land and land capable of being used for farming
13 which is leased by a corporation in an amount, measured in acres, not to exceed
14 the acreage under lease to such corporation as of September 28, 1975, and the
15 additional acreage for normal expansion at a rate not to exceed twenty percent
16 in any five-year period, and the additional acreage reasonably necessary, whether
17 to be owned or leased by a corporation, to meet the requirements of pollution
18 control regulations;

19 (4) A farm operated wholly for research or experimental purposes,
20 including seed research and experimentation and seed stock production for
21 genetic improvements, provided that any commercial sales from such farm shall
22 be incidental to the research or experimental objectives of the corporation;

23 (5) Agricultural land operated by a corporation for the purposes of
24 growing nursery plants, vegetables, grain or fruit used exclusively for brewing or
25 winemaking or distilling purposes and not for resale, for forest cropland or for the

26 production of poultry, poultry products, fish or mushroom farming, production of
27 registered breeding stock for sale to farmers to improve their breeding herds, for
28 the production of raw materials for pharmaceutical manufacture, chemical
29 processing, food additives and related products, and not for resale;

30 (6) Agricultural land operated by a corporation for the purposes of alfalfa
31 dehydration exclusively and only as to said lands lying within fifteen miles of a
32 dehydrating plant, and provided further said crops raised thereon shall be used
33 only for further processing and not for resale in its original form;

34 (7) Any interest, when acquired by an educational, religious, or charitable
35 not-for-profit or pro forma corporation or association;

36 (8) Agricultural land or any interest therein acquired by a corporation
37 other than a family farm corporation or authorized farm corporation, as defined
38 in section 350.010, for immediate or potential use in nonfarming purposes. A
39 corporation may hold such agricultural land in such acreage as may be necessary
40 to its nonfarm business operation; provided, however, that pending the
41 development of agricultural land for nonfarm purposes, such land may not be
42 used for farming except under lease to a family farm unit, a family farm
43 corporation or an authorized farm corporation, or except when controlled through
44 ownership, options, leaseholds, or other agreements by a corporation which has
45 entered into an agreement with the United States of America pursuant to the
46 New Community Act of 1968 (Title IV of the Housing and Urban Development Act
47 of 1968, 42 U.S.C. 3901-3914), as amended, or a subsidiary or assign of such a
48 corporation;

49 (9) Agricultural lands acquired by a corporation by process of law or
50 voluntary conveyance in the collection of debts, or by any procedure for the
51 enforcement of a lien or claim thereon, whether created by mortgage or otherwise;
52 provided, that any corporation may hold for ten years real estate acquired in
53 payment of a debt, by foreclosure or otherwise, and for such longer period as may
54 be provided by law;

55 (10) The provisions of sections 350.010 to 350.030 shall not apply to the
56 raising of hybrid hogs in connection with operations designed to improve the
57 quality, characteristics, profitability, or marketability of hybrid hogs through
58 selective breeding and genetic improvement where the primary purpose of such
59 livestock raising is to produce hybrid hogs to be used by farmers and livestock
60 raisers for the improvement of the quality of their herds;

61 (11) A bank or trust company acting as administrator or executor under
62 the terms of a will or trustee under the terms of a testamentary or inter vivos
63 trust created by the owner of a family farm, or an inter vivos or testamentary

64 trust, the principal of which is shares of a family farm corporation or authorized
65 farm corporation and which trust is created by a shareholder of the family farm
66 corporation or authorized farm corporation. However, a bank or trust company
67 acting in the administration of an investment trust or a management trust
68 formed with the primary purpose of making or managing investments or
69 income-producing property and purchasing agricultural real estate with trust
70 funds with the primary benefits accruing to investors or shareholders in the trust
71 is not exempt from the provisions of sections 350.010 to 350.030;

72 (12) Agricultural land that on June 1, 1998, was in compliance with
73 section 350.016;

74 (13) **Agricultural land in compliance with section 350.017.**

**350.017. 1. The restrictions under section 350.015 shall not apply
2 to agricultural land in use as of September 28, 2007 by a corporation,
3 limited liability company, or limited liability partnership for the
4 production of swine or swine products located in:**

5 (1) **Any county of the third classification without a township
6 form of government and with fewer than two thousand five hundred
7 inhabitants;**

8 (2) **Any county of the third classification with a township form
9 of government and with more than six thousand but fewer than seven
10 thousand inhabitants and with a city of the fourth classification with
11 more than one thousand seven hundred but fewer than one thousand
12 nine hundred inhabitants as the county seat; or**

13 (3) **Any county of the third classification with a township form
14 of government and with more than eight thousand but fewer than nine
15 thousand inhabitants and with a city of the fourth classification with
16 more than one thousand seven hundred but fewer than one thousand
17 nine hundred inhabitants as the county seat.**

18 **2. No corporation, limited liability company, or limited liability
19 partnership under subsection 1 of this section shall expand its
20 operations on such agricultural land, including but not limited to the
21 purchase of contiguous land or the construction of new buildings that
22 house animals or expansion of existing buildings that house animals;
23 however, nothing in this subsection shall prevent any such corporation,
24 limited liability company, or limited liability partnership from
25 repairing, maintaining or rebuilding any of its buildings or conducting
26 activities required in order to meet state or federal laws.**

537.850. 1. Sections 537.850 to 537.859 shall be known and may

2 be cited as the "Agritourism Promotion Act".

3 2. As used in sections 537.850 to 537.859, the following terms shall
4 mean:

5 (1) "Agritourism activity", any activity which allows members of
6 the general public for recreational, entertainment, or educational
7 purposes to view or enjoy rural activities, including but not limited to
8 farming activities, ranching activities, or historic, cultural, or natural
9 attractions. An activity may be an agritourism activity whether or not
10 the participant pays to participate in the activity. An activity is not an
11 agritourism activity if the participant is paid to participate in the
12 activity;

13 (2) "Department", the state department of agriculture;

14 (3) "Director", the director of the department of agriculture;

15 (4) "Inherent risks of a registered agritourism activity", those
16 dangers or conditions which are an integral part of such agritourism
17 activity, including but not limited to certain hazards such as surface
18 and subsurface conditions; natural conditions of land, vegetation, and
19 waters; the behavior of wild or domestic animals; and ordinary dangers
20 of structures or equipment ordinarily used in farming or ranching
21 operations. Inherent risks of a registered agritourism activity also
22 includes the potential of a participant to act in a negligent manner that
23 may contribute to injury to the participant or others, such as failing to
24 follow instructions given by the registered agritourism operator or
25 failing to exercise reasonable caution while engaging in the registered
26 agritourism activity;

27 (5) "Participant", any person who engages in a registered
28 agritourism activity;

29 (6) "Registered agritourism activity", any agritourism activity
30 that is registered with the director of the department of agriculture as
31 an AgriMissouri member under section 261.230, and any rules
32 promulgated thereunder;

33 (7) "Registered agritourism location", a specific parcel of land
34 which is registered with the director of the department of agriculture
35 under section 261.230, and any rules promulgated thereunder, and
36 where a registered agritourism operator engages in registered
37 agritourism activities;

38 (8) "Registered agritourism operator", any person who is engaged
39 in the business of providing one or more agritourism activities and is

40 registered with the director of the department of agriculture as an
41 AgriMissouri member under section 261.230, and any rules promulgated
42 thereunder.

537.856. 1. At every registered agritourism location, the
2 registered agritourism operator shall post and maintain signage which
3 contains the warning notice specified in subsection 3 of this
4 section. The requirements of this section shall be deemed satisfied if
5 such signage is placed in a clearly visible location at or near the
6 registered agritourism location. The warning notice shall appear on
7 the sign in black letters, with each letter to be at least one inch in
8 height.

9 2. Every written contract entered into by a registered
10 agritourism operator for the providing of a registered agritourism
11 activity shall contain in clearly readable print the warning notice and
12 language specified in subsection 3 of this section.

13 3. The required signage under this section shall contain the
14 following warning notice:

15 "WARNING: Under Missouri law, there is no liability for an
16 injury or death of a participant in a registered agritourism activity
17 conducted at this registered agritourism location if such injury or
18 death results from the inherent risks of such agritourism
19 activity. Inherent risks of agritourism activities include, but are not
20 limited to, the potential of you as a participant to act in a negligent
21 manner that may contribute to your injury or death and the potential
22 of another participant to act in a negligent manner that may contribute
23 to your injury or death. You are assuming the risk of participating in
24 this registered agritourism activity."

25 4. Upon request, the registered agritourism operator shall
26 provide to any participant a written description of the registered
27 agritourism activity, as set forth in the registration under subdivision
28 (6) of subsection 2 of section 537.850 for which sections 537.850 to
29 537.859 limit the registered agritourism operator's liability at the
30 registered agritourism location.

537.859. 1. Except as provided in subsection 2 of this section, a
2 registered agritourism operator is not liable for injury to or death of
3 a participant resulting from the inherent risks of agritourism activities
4 so long as the warning contained in section 537.856 is posted as
5 required and, except as provided in subsection 2 of this section, no

6 participant or participant's representative shall maintain an action
7 against or recover from a registered agritourism operator for injury,
8 loss, damage, or death of the participant resulting exclusively from any
9 of the inherent risks of agritourism activities.

10 2. Nothing in sections 537.850 to 537.859 shall prevent or limit
11 the liability of a registered agritourism operator if the registered
12 agritourism operator:

13 (1) Injures the participant by willful or wanton conduct;

14 (2) Has actual knowledge or should have known of a dangerous
15 condition in the facilities or equipment used in the registered
16 agritourism activity and does not make such dangerous condition
17 known to a participant and such dangerous condition causes the
18 participant to sustain injuries; or

19 (3) Fails to use that degree of care that an ordinarily careful and
20 prudent person would use under the same or similar circumstances.

21 3. In any action for damages for personal injury, death, or
22 property damage arising from the operation of a registered tourism
23 activity in which an owner or operator is named as a defendant, it shall
24 be an affirmative defense to that liability that:

25 (1) The injured person assumed the risk;

26 (2) The injured person deliberately disregarded conspicuously
27 posted signs, verbal instructions, or other warnings regarding safety
28 measures during the activity; or

29 (3) Any equipment, animals, or appliance used by the injured
30 person during the activity were used in a manner or for a purpose
31 other than that for which a reasonable person should have known they
32 were intended.

578.005. As used in sections 578.005 to 578.023, the following terms shall
2 mean:

3 (1) "Adequate care", normal and prudent attention to the needs of an
4 animal, including wholesome food, clean water, shelter and health care as
5 necessary to maintain good health in a specific species of animal;

6 (2) "Adequate control", to reasonably restrain or govern an animal so that
7 the animal does not injure itself, any person, any other animal, or property;

8 (3) "Animal", every living vertebrate except a human being;

9 (4) "Animal shelter", a facility which is used to house or contain animals
10 and which is owned, operated, or maintained by a duly incorporated humane
11 society, animal welfare society, society for the prevention of cruelty to animals,

12 or other not-for-profit organization devoted to the welfare, protection, and
13 humane treatment of animals;

14 (5) "Farm animal", an animal raised on a farm or ranch and used or
15 intended for use in farm or ranch production, or as food or fiber;

16 (6) **"Farm animal professional", any individual employed at a
17 location where farm animals are harbored;**

18 (7) "Harbor", to feed or shelter an animal at the same location for three
19 or more consecutive days;

20 [(7)] (8) "Humane killing", the destruction of an animal accomplished by
21 a method approved by the American Veterinary Medical Association's Panel on
22 Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed
23 during the feeding of pet carnivores shall be considered humanely killed;

24 [(8)] (9) "Owner", in addition to its ordinary meaning, any person who
25 keeps or harbors an animal or professes to be owning, keeping, or harboring an
26 animal;

27 [(9)] (10) "Person", any individual, partnership, firm, joint stock
28 company, corporation, association, trust, estate, or other legal entity;

29 [(10)] (11) "Pests", birds, rabbits, or rodents which damage property or
30 have an adverse effect on the public health, but shall not include any endangered
31 species listed by the United States Department of the Interior nor any
32 endangered species listed in the Wildlife Code of Missouri.

**578.013. 1. Whenever any farm animal professional videotapes
2 or otherwise makes a digital recording of what he or she believes to
3 depict a farm animal subjected to abuse or neglect under sections
4 578.009 or 578.012, such farm animal professional shall have a duty to
5 submit such videotape or digital recording to a law enforcement agency
6 within twenty-four hours of the recording.**

7 **2. No videotape or digital recording submitted under subsection
8 1 of this section shall be spliced, edited, or manipulated in any way
9 prior to its submission.**

10 **3. An intentional violation of any provision of this section is a
11 class A misdemeanor.**

**Section 1. The governing body of all national, state, and local
2 fairs and expositions conducted in this state which include the
3 exhibition of livestock shall permit all qualifying 4-H and Future
4 Farmers of America (FFA) members to exhibit livestock at such fair or
5 exposés. The governing body of each national, state, and local fair or
6 exposition shall have the authority to establish rules and fees for**

7 participation in its individual events.

Section 2. The governing body of all national, state, and local
2 fairs, expositions, and pet shows conducted in this state which include
3 the exhibition of livestock or domestic animals shall permit all
4 livestock breeders and domestic animal owners to exhibit livestock and
5 domestic animals at such fair, exposition, or pet show. The governing
6 body of each national, state, and local fair, exposition, or pet show shall
7 have the authority to establish rules and fees for participation in its
8 individual events.

Unofficial ✓

Bill

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