

SECOND REGULAR SESSION

HOUSE BILL NO. 1336

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ERVIN (Sponsor), DEEKEN, HOBBS, WILSON (119), SANDER,
MUNZLINGER, SMITH (118), REINHART AND SKAGGS (Co-sponsors).

Read 1st time January 29, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3940L.02I

AN ACT

To repeal section 258.100, RSMo, and to enact in lieu thereof one new section relating to immunity from civil liability for certain landowners.

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

Section A. Section 258.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 258.100, to read as follows:

258.100. 1. As used in this section, the word "trail" means any land [previously used as a railroad right-of-way] which was acquired by the state for use as a public hiking, biking, or recreational trail, or any land or interest therein acquired hereafter by a [municipality or county] **political subdivision** for use as a public hiking, biking, or recreational trail], located in any county of the first classification which contains a city with a population of one hundred thousand or more inhabitants which adjoins no other county of the first classification, or in a county of the first classification with a population of over nine hundred thousand]. However, a trail not acquired by the state must be designated by the governing body of the [municipality or county] **political subdivision** as a greenway system of trails **or part of a dedicated system of trails**, the acquisition [deed] **conveyance whether by deed, easement agreement, grant assignment or reservation of rights** to the [city or county] **political subdivision** must state the interest in the land is being granted for such purposes, the greenway system **or dedicated system** of trails must be designed exclusively for the purposes herein designated, and shall not include roads or streets, nor sidewalks, walkways, or paths which are intended to connect neighborhoods for pedestrian traffic, such as common sidewalks or walkways.

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

16 2. Any person owning land adjoining the trail shall be immune from civil liability for
17 injuries to person or property of persons trespassing or entering on such person's land without
18 implied or expressed permission, invitation, or consent where:

19 (1) The person who was injured entered the land by way of the trail; and

20 (2) Such person was subsequently injured on lands adjoining the trail.

21 3. The immunity created by this section does not apply if the injuries were caused by:

22 (1) The intentional or unlawful act of the owner or possessor of such land; [or]

23 (2) The willful or wanton act of the owner or possessor of such land; **or**

24 **(3) The failure of the possessor of the land to warn of an artificial condition created**
25 **or maintained by the possessor of the land that is likely to cause death or serious injury.**