

HOUSE \_\_\_\_\_ AMENDMENT NO. \_\_\_\_\_

Offered By

AMEND House Committee Substitute No.2 for Senate Bill No. 848, Page 9, Section 393.1030,  
Line 58, by inserting immediately after said line the following:

“Section 1. 1. Damages allowable for a private nuisance on property used for farming  
purposes as defined in sections 262.801 and 262.805 shall be as follows:

(1) If the nuisance is a permanent nuisance, compensatory damages shall be measured by  
the reduction in the fair market value of the claimant’s property caused by the nuisance, but not to  
exceed the fair market value of the property;

(2) If the nuisance is a temporary nuisance, compensatory damages shall be measured by  
the diminution in the fair rental value of the property which resulted from the nuisance;

(3) No damages shall be awarded for annoyance, discomfort, sickness, emotional distress,  
or similar claims for a private nuisance.

2. In the event a claim for injury or damages to a person is asserted in the same  
proceeding as a claim for damage to the claimant’s property cause by a private nuisance, liability  
for such personal injury or damage shall be determined on the basis of applicable principles of tort  
law independent of whether the defendant’s use of property is found to constitute a nuisance.

3. In any action for private nuisance where the amount in controversy exceeds one  
million dollars, if any party requests the court or jury to visit the property alleged to be affected by  
the nuisance, the court or jury shall visit the property.

[537.296. In any action for private nuisance where the amount in controversy exceeds one  
million dollars, if any party requests the court or jury to visit the property alleged to be affected by  
the nuisance, the court or jury shall visit the property.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references  
accordingly.