

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1937**  
**97TH GENERAL ASSEMBLY**

6129H.04C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 537.325, 537.345, and 537.348, RSMo, and to enact in lieu thereof three new sections relating to the liability of property owners.

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

Section A. Sections 537.325, 537.345, and 537.348, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 537.325, 537.345, and 537.348, to read as follows:

537.325. 1. As used in this section, unless the context otherwise requires, the following words and phrases shall mean:

(1) "Engages in an equine activity", riding, training, assisting in medical treatment of driving or being a passenger upon an equine, whether mounted or unmounted, or any person assisting a participant or any person involved in show management. The term "engages in an equine activity" does not include being a spectator at an equine activity, except in cases where the spectator places himself in an unauthorized area;

(2) "Equine", a horse, pony, mule, donkey or hinny;

(3) "Equine activity":

(a) Equine shows, fairs, competitions, performances or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games and hunting;

(b) Equine training or teaching activities or both;

(c) Boarding equines;

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.

17 (d) Riding, inspecting or evaluating an equine belonging to another, whether or not the  
18 owner has received some monetary consideration or other thing of value for the use of the equine  
19 or is permitting a prospective purchaser of the equine to ride, inspect or evaluate the equine;

20 (e) Rides, trips, hunts or other equine activities of any type however informal or  
21 impromptu that are sponsored by an equine activity sponsor; and

22 (f) Placing or replacing horseshoes on an equine;

23 (4) "Equine activity sponsor", an individual, group, club, partnership or corporation,  
24 whether or not operating for profit or nonprofit, or any employee thereof, which sponsors,  
25 organizes or provides the facilities for, an equine activity, including but not limited to pony  
26 clubs, 4-H clubs, hunt clubs, riding clubs, school- and college-sponsored classes, programs and  
27 activities, therapeutic riding programs and operators, instructors and promoters of equine  
28 facilities, including but not limited to stables, clubhouses, pony ride strings, fairs and arenas at  
29 which the activity is held;

30 (5) "Equine professional", a person engaged for compensation, or an employee of such  
31 a person engaged:

32 (a) In instructing a participant or renting to a participant an equine for the purpose of  
33 riding, driving or being a passenger upon the equine; or

34 (b) In renting equipment or tack to a participant;

35 (6) "Inherent risks of equine activities", those dangers or conditions which are an integral  
36 part of equine activities, including but not limited to:

37 (a) The propensity of any equine to behave in ways that may result in injury, harm or  
38 death to persons on or around it;

39 (b) The unpredictability of any equine's reaction to such things as sounds, sudden  
40 movement and unfamiliar objects, persons or other animals;

41 (c) Certain hazards such as surface and subsurface conditions;

42 (d) Collisions with other equines or objects;

43 (e) The potential of a participant to act in a negligent manner that may contribute to  
44 injury to the participant or others, such as failing to maintain control over the animal or not  
45 acting within his ability;

46 (7) **"Livestock", cattle, swine, sheep, ratite birds including, but not limited to,**  
47 **ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo,**  
48 **elk documented as obtained from a legal source and not from the wild and raised in**  
49 **confinement for human consumption or animal husbandry, goats, poultry, and exotic**  
50 **animals;**

51 (8) **"Livestock activity":**

52           (a) **Grazing, herding, feeding, branding, milking, or other activity that involves the**  
53 **care or maintenance of livestock;**

54           (b) **A livestock show, fair, competition, or auction;**

55           (c) **A livestock training or teaching activity;**

56           (d) **Boarding livestock;**

57           (e) **Inspecting or evaluating livestock;**

58           (9) **“Livestock facility”, a property or facility at which a livestock activity is held;**

59           (10) **“Livestock owner”, a person who owns livestock that is involved in a livestock**  
60 **activity;**

61           (11) **“Livestock sponsor”, an individual or legal entity that sponsors, organizes, or**  
62 **provides facilities for a livestock activity;**

63           [(7)] (12) "Participant", any person, whether amateur or professional, who engages in an  
64 equine **or livestock** activity, whether or not a fee is paid to participate in the equine **or livestock**  
65 activity.

66           2. Except as provided in subsection 4 of this section, an equine activity sponsor, an  
67 equine professional, **a livestock sponsor, a livestock owner, a livestock facility, a livestock**  
68 **auction market**, or any other person or corporation shall not be liable for an injury to or the  
69 death of a participant resulting from the inherent risks of equine **or livestock** activities and,  
70 except as provided in subsection 4 of this section, no participant or a participant's representative  
71 shall make any claim against, maintain an action against, or recover from an equine activity  
72 sponsor, an equine professional, **a livestock sponsor, a livestock owner, a livestock facility,**  
73 **a livestock auction market**, or any other person from injury, loss, damage or death of the  
74 participant resulting from any of the inherent risks of equine **or livestock** activities.

75           3. This section shall not apply to the horse racing industry as regulated in sections  
76 313.050 to 313.720. This section shall not apply to any employer-employee relationship  
77 governed by the provisions of, and for which liability is established pursuant to, chapter 287.

78           4. The provisions of subsection 2 of this section shall not prevent or limit the liability  
79 of an equine activity sponsor, an equine professional, **a livestock sponsor, a livestock owner,**  
80 **a livestock facility, a livestock auction market**, or any other person if the equine activity  
81 sponsor, equine professional, **livestock sponsor, livestock owner, livestock facility, livestock**  
82 **auction market**, or person:

83           (1) Provided the equipment or tack and knew or should have known that the equipment  
84 or tack was faulty and such equipment or tack was faulty to the extent that it did cause the injury;  
85 or

86           (2) Provided the equine **or livestock** and failed to make reasonable and prudent efforts  
87 to determine the ability of the participant to engage safely in the equine **or livestock** activity and

88 determine the ability of the participant to safely manage the particular equine **or livestock** based  
89 on the participant's age, obvious physical condition or the participant's representations of his **or**  
90 **her** ability;

91 (3) Owns, leases, rents or otherwise is in lawful possession and control of the land or  
92 facilities upon which the participant sustained injuries because of a dangerous latent condition  
93 which was known to the equine activity sponsor, equine professional, **livestock sponsor,**  
94 **livestock owner, livestock facility, livestock auction market,** or person and for which warning  
95 signs have not been conspicuously posted;

96 (4) Commits an act or omission that constitutes willful or wanton disregard for the safety  
97 of the participant and that act or omission caused the injury;

98 (5) Intentionally injures the participant;

99 (6) Fails to use that degree of care that an ordinarily careful and prudent person would  
100 use under the same or similar circumstances.

101 5. The provisions of subsection 2 of this section shall not prevent or limit the liability  
102 of an equine activity sponsor, **a livestock sponsor, a livestock owner, a livestock facility, a**  
103 **livestock auction market,** or an equine professional under liability provisions as set forth in any  
104 other section of law.

105 6. Every equine activity sponsor **and livestock activity sponsor** shall post and maintain  
106 signs which contain the warning notice specified in this subsection. Such signs shall be placed  
107 in a clearly visible location on or near stables, corrals or arenas where [the equine professional  
108 conducts equine activities] **equine or livestock activities are conducted** if such stables, corrals  
109 or arenas are owned, managed or controlled by the equine [professional] **or livestock activity**  
110 **sponsor.** The warning notice specified in this subsection shall appear on the sign in black letters  
111 on a white background with each letter to be a minimum of one inch in height. Every written  
112 contract entered into by an equine professional [and] , equine activity sponsor, **a livestock**  
113 **sponsor, a livestock owner, a livestock facility, or a livestock auction market** for the  
114 providing of professional services, instruction or the rental of equipment or tack or an equine **or**  
115 **livestock** to a participant, whether or not the contract involves equine **or livestock** activities on  
116 or off the location or site of the equine professional's [or] **business,** equine activity sponsor's  
117 business, **livestock sponsor's business, livestock owner's property, livestock facility, or**  
118 **livestock auction market,** shall contain in clearly readable print the warning notice specified  
119 in this subsection. The signs and contracts described in this subsection shall contain the  
120 following warning notice: WARNING

121 Under Missouri law, an equine professional [is] , **a livestock sponsor, a livestock**  
122 **owner, a livestock facility, and a livestock auction market** are not liable for an injury  
123 to or the death of a participant in equine **or livestock** activities resulting from the

124 inherent risks of equine **or livestock** activities pursuant to the Revised Statutes of  
125 Missouri.

537.345. As used in sections 537.345 to [537.347] **537.348**, and section 537.351, the  
2 following terms mean:

3 (1) "Charge", the admission price or fee asked by an owner of land or an invitation or  
4 permission without price or fee to use land for recreational purposes when such invitation or  
5 permission is given for the purpose of sales promotion, advertising or public goodwill in  
6 fostering business purposes;

7 (2) "Land", all real property, land and water, and all structures, fixtures, equipment and  
8 machinery thereon;

9 (3) "Owner", any individual, legal entity or governmental agency that has any ownership  
10 or security interest whatever or lease or right of possession in land;

11 (4) "Recreational use", hunting, fishing, camping, picnicking, biking, nature study,  
12 winter sports, viewing or enjoying archaeological or scenic sites, **trapping, paddle sports as**  
13 **defined in section 537.327, swimming except for such activity as defined in section 537.348,**  
14 or other similar activities undertaken for recreation, exercise, education, relaxation, or pleasure  
15 on land owned by another;

16 (5) "Trespasser", any person who enters on the property of another without permission  
17 and without an invitation, express or implied regardless of whether actual notice of trespass was  
18 given or the land was posted in accordance with the provisions of sections 569.140 and 569.145.

537.348. Nothing in this act shall be construed to create liability, but it does not limit  
2 liability that otherwise would be incurred by those who use the land of others, or by owners of  
3 land for:

4 (1) Malicious or grossly negligent failure to guard or warn against a dangerous condition,  
5 structure, personal property which the owner knew or should have known to be dangerous, or  
6 negligent failure to guard or warn against an ultrahazardous condition which the owner knew or  
7 should have known to be dangerous;

8 (2) Injury suffered by a person who has paid a charge for entry to the land; [or]

9 (3) Injuries occurring on or in:

10 (a) Any land within the corporate boundaries of any city, municipality, town, or village  
11 in this state;

12 (b) Any swimming pool. "Swimming pool" means a pool or tank, especially an artificial  
13 pool or tank, intended and adapted for swimming and held out as a swimming pool;

14 (c) Any residential area. "Residential area" as used herein means a tract of land of one  
15 acre or less predominately used for residential purposes, or a tract of land of any size used for  
16 multifamily residential services; or

17 (d) Any noncovered land. "Noncovered land" as used herein means any portion of any  
18 land, the surface of which portion is actually used primarily for commercial, industrial, mining  
19 or manufacturing purposes; provided, however, that use of any portion of any land primarily for  
20 agricultural, grazing, forestry, conservation, natural area, owner's recreation or similar or related  
21 uses or purposes shall not under any circumstances be deemed to be use of such portion for  
22 commercial, industrial, mining or manufacturing purposes; **or**

23 **(4) A landowner who:**

24 **(a) Intentionally injures a participant;**

25 **(b) Provides unsafe equipment or devices who knew or should have known that the**  
26 **equipment or device was unsafe to the extent that it did cause the injury; or**

27 **(c) Fails to use that degree of care that an ordinarily careful and prudent person**  
28 **would use under the same or similar circumstances.**

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