

SECOND REGULAR SESSION

# HOUSE BILL NO. 2164

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RIDDLE.

6377H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to farm equipment liability.

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*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 537.870, to read as follows:

**537.870. 1. For purposes of this section, the term “farm equipment” shall have the same meaning ascribed to it as it is defined in section 407.838.**

**2. Except as provided in subsection 3 of this section, no manufacturer or owner of farm equipment shall be liable for injury, loss, damage, or death of any person operating such farm equipment if the farm equipment is equipped with all safety features required by law as of the date the equipment was manufactured.**

**3. Nothing in this section shall prevent or limit the liability of a farm equipment manufacturer or owner if the farm equipment manufacturer or owner:**

**(1) Injures an operator of such farm equipment by willful or wanton misconduct;**

**(2) Has actual knowledge or should have known of a dangerous condition of the equipment and does not make such dangerous condition known to an operator and such dangerous condition causes the operator to sustain injuries; or**

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

**4. In any action for damages for personal injury, death, or property damage arising from the operation of farm equipment in which the farm equipment manufacturer or owner is named as a defendant, it shall be an affirmative defense to that liability that:**

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.

- 18           **(1) The injured person assumed the risk;**  
19           **(2) The injured person deliberately disregarded conspicuously posted signs, verbal**  
20 **instructions, or other warnings regarding safety features of the equipment; or**  
21           **(3) Any equipment or safety features of such equipment used by the injured person**  
22 **were used in a manner or for a purpose other than that for which a reasonable person**  
23 **should have known they were intended.**

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