

HCS HB 1937 -- PROPERTY OWNER LIABILITY

SPONSOR: McGaugh

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Agri-Business by a vote of 11 to 0.

Currently, the sponsoring individuals and organizations have limited liability for injuries or death from accidents associated with equine activities. This bill expands the limited liability to a livestock sponsor, a livestock owner, a livestock facility and a livestock auction market for injuries or death from accidents associated with livestock activities.

Livestock activities include grazing, herding, feeding, branding, milking, or other activities that involve the care and maintenance of livestock; a livestock show, fair, competition, or auction; a livestock training or teaching activity; boarding livestock; and inspecting or evaluating livestock.

This bill includes trapping, paddle sports, and swimming to the activities included under the definition of "recreational use" as it applies to the provisions regarding landowners' liability for recreational use of land and specifies liability is not limited for a landowner who intentionally injures a participant, knowingly provides unsafe equipment or devices, or fails to use a degree of care that an ordinary person would use.

PROPONENTS: Supporters say that this bill is a proactive step to protect farmers and ranchers as well as other rural landowners. It would make Missouri's recreational use statutes mirror neighboring states.

Testifying for the bill were Representative McGaugh and Missouri Cattlemens' Association.

OPPONENTS: Those who oppose the bill stated specific concerns that the language in the bill was contradictory to the language in other sections of the statute, especially the statutes for liability relating to paddle sports.

Testifying against the bill was Missouri Association of Trial Attorneys.