

SECOND REGULAR SESSION

HOUSE BILL NO. 1547

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHAWAN.

3646H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to liability for prescribed burns.

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 537.354, to read as follows:

537.354. 1. This section shall be known and may be cited as the "Prescribed Burning Act". Prescribed burning is a land management tool that benefits the safety of the public, the environment, and the economy of Missouri. As used in this section, the following terms shall mean:

(1) "Agent of a landowner", a person or persons who have permission from a landowner to be present on the landowner's property to conduct a prescribed burn;

(2) "Certified prescribed burn manager", a person who successfully completes a prescribed burn certification program approved by the department of conservation;

(3) "Prescribed burn plan", a written plan that is in a format approved by the department of conservation establishing the conditions and methods for conducting a burn;

(4) "Prescribed burning", the planned and controlled application of fire to existing vegetative fuels in order to accomplish one or more specific land management objectives including, but not limited to, vegetative fuel reduction, silvicultural treatments, wildlife habitat improvement, and management of grassland and other plant communities.

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.

16 **2. No landowner or agent of a landowner shall be liable for damage, injury, or loss**
17 **caused by a prescribed burn or the resulting smoke of a prescribed burn unless the**
18 **landowner or agent of the landowner is proven to be negligent.**

19 **3. No landowner or agent of a landowner shall be liable for damage, injury, or loss**
20 **caused by a prescribed burn or the resulting smoke of a prescribed burn conducted at the**
21 **direction of a certified prescribed burn manager, in accordance with a prescribed burn**
22 **plan, unless the landowner or agent of the landowner is proven to be grossly negligent.**

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