

HCS SB 377 -- Landowner Liability

SPONSOR: Eslinger (Haden)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Agriculture Policy by a vote of 16 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 11 to 0.

The following is a summary of the House Committee Substitute for SB 377.

This bill prohibits an owner, employee, or officer of a private campground from being liable for acts related to camping at a private campground if the injury or damage occurred as a result of an inherent risk of camping, as described within the bill. This bill does not apply to actions arising under Missouri Workers' Compensation Law. Additionally, this bill does not prevent or limit liability of an owner, employee, or officer who intentionally causes injury, death, or damage, who acts with a willful or wanton disregard for the safety of the person or property damaged, who fails to use the degree of care that an ordinarily careful and prudent person would use under the circumstances, or who fails to conspicuously post warning signs of known dangerous conditions on the property. Warning signs are required to appear in black letters of at least one inch in height on a white background. Warning signs and written contracts entered into by an owner, employee, or officer shall contain a warning notice, as specified in the bill.

The bill also specifies that a landowner is not liable for injuries a trespasser receives while on the landowner's residential area, if such area is adjacent to a park or trail and that is how the trespasser entered the owner's property.

Currently, a landowner who invites or permits a person to enter his land for recreational use in compliance with a state-administered recreational access program does not assume certain liabilities or responsibilities. The bill also extends the limited liability to landowners who invite or permit a person to enter his land for recreational use in compliance with a state-administered wildlife management program.

The bill also repeals a certain paragraph of landowner liability law that states that nothing in its provisions creates or limits liability that otherwise would be incurred by owners of land for injuries occurring on or in any land within the corporate boundaries of any city, municipality, town, or village in this state.

The bill also creates the "Prescribed Burning Act", which specifies that any landowner or agent of a landowner will not be liable for damage, injury, or loss caused by a prescribed burn, as defined in the bill, or the resulting smoke of a prescribed burn unless the landowner is proven to be negligent. Additionally, no certified burn manager will be liable if the burn is conducted in accordance with a written prescribed burn plan unless the burn manager is found to be negligent.

The provisions of the bill do not apply to damage, injury, or loss to property, lands, rights-of-way, or easements of certain utilities and railroad companies.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that some landowners are reluctant to participate in certain wildlife management program due to their liability related to letting others hunt on their property. This bill would give landowners protection if someone is injured on their property.

Testifying for the bill were Senator Eslinger; Missouri Department of Conservation; Conservation Federation of Missouri; and Missouri Farm Bureau.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.