

FIRST REGULAR SESSION

HOUSE BILL NO. 297

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HADEN.

0810H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 272, RSMo, by adding thereto two new sections relating to fences and enclosures.

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

Section A. Chapter 272, RSMo, is amended by adding thereto two new sections, to be known as sections 272.138 and 272.380, to read as follows:

272.138. 1. This section shall apply to an owner of real property, a contractor hired by such owner, or both.

2. If an owner of real property or a contractor hired by such owner constructs, maintains, or repairs a division fence and the owner of adjoining real property does not share in the construction, maintenance, or repair of such division fence, the owner of real property or contractor who is constructing, maintaining, or repairing such division fence may enter on the adjoining property not more than ten feet for the length of the division fence to construct, maintain, or repair the division fence. Such owner of real property or contractor shall not be liable for damages for clearing any trees, brush, or vegetation that lies upon or within an adjoining property boundary or division fence.

3. No owner of real property or contractor hired by such owner shall be deemed to have committed the offense of trespass under section 569.140 or be subject to liability under state law for conduct that is permitted under subsection 2 of this section. Except as provided in subsection 2 of this section, such owner or contractor shall be liable for any damages caused by such owner's or contractor's entry onto the adjoining property including, but not limited to, damages to crops.

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.

272.380. 1. This section shall apply to an owner of real property, a contractor
2 hired by such owner, or both.

3 2. If an owner of real property or a contractor hired by such owner constructs,
4 maintains, or repairs a division fence and the owner of adjoining real property does not
5 share in the construction, maintenance, or repair of such division fence, the owner of
6 real property or contractor who is constructing, maintaining, or repairing such division
7 fence may enter on the adjoining property not more than ten feet for the length of the
8 division fence to construct, maintain, or repair the division fence. Such owner of real
9 property or contractor shall not be liable for damages for clearing any trees, brush, or
10 vegetation that lies upon or within an adjoining property boundary or division fence.

11 3. No owner of real property or contractor hired by such owner shall be deemed
12 to have committed the offense of trespass under section 569.140 or be subject to liability
13 under state law for conduct that is permitted under subsection 2 of this section. Except
14 as provided in subsection 2 of this section, such owner or contractor shall be liable for
15 any damages caused by such owner's or contractor's entry onto the adjoining property
16 including, but not limited to, damages to crops.

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