

SECOND REGULAR SESSION

HOUSE BILL NO. 2297

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HADEN.

3890H.011

JOSEPH ENGLER, 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. When an owner of real estate desires to construct, maintain, or repair a division fence to enclose a field or enclosure where animals are kept as provided under section 272.010, such owner, or a contractor hired by such owner, may enter on the adjoining property up to a distance of ten feet for the length of such division fence to construct, maintain, or repair such division fence. The owner or contractor constructing, maintaining, or repairing such division fence is not guilty of trespass for entering onto the adjoining property during the construction, maintenance, or repair of such division fence, provided that the owner or contractor does not enter onto the adjoining property beyond the ten feet specified in this section. However, such owner or contractor shall be liable for all damages, if any, caused by entry onto the adjoining property, including damages to crops. Notwithstanding any provision to the contrary, the owner or contractor that constructs, maintains, or repairs such division fence under this section shall not be liable for damages for clearing or removing any tree, brush, or vegetation that lies directly upon the property boundary line where such division fence is constructed, maintained, or repaired, so that such division fence may be constructed, maintained, or repaired upon such property boundary line. The provisions of this section shall not apply when the adjoining property is owned or operated by any utility

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 company, railroad, or a zoological park, wildlife conservation facility, or animal
19 sanctuary accredited by the Association of Zoos and Aquariums or a similarly
20 recognized accrediting body. Nothing in this section shall be construed to allow an
21 owner or contractor to enter into a building on the adjoining property.

272.380. When an owner of real estate desires to construct, maintain, or repair a
2 division fence to enclose a field or enclosure where animals are kept or placed as
3 provided under section 272.220, such owner, or a contractor hired by such owner, may
4 enter on the adjoining property up to a distance of ten feet for the length of such division
5 fence to construct, maintain, or repair such division fence. The owner or contractor
6 constructing, maintaining, or repairing such division fence is not guilty of trespass for
7 entering onto the adjoining property during the construction, maintenance, or repair of
8 such division fence, provided that the owner or contractor does not enter onto the
9 adjoining property beyond the ten feet specified in this section. However, such owner or
10 contractor shall be liable for all damages, if any, caused by entry onto the adjoining
11 property, including damages to crops. Notwithstanding any provision to the contrary,
12 the owner or contractor that constructs, maintains, or repairs such division fence under
13 this section shall not be liable for damages for clearing or removing any tree, brush, or
14 vegetation that lies directly upon the property boundary line where such division fence
15 is constructed, maintained, or repaired, so that such division fence may be constructed,
16 maintained, or repaired upon such property boundary line. The provisions of this
17 section shall not apply when the adjoining property is owned or operated by any utility
18 company, railroad, or a zoological park, wildlife conservation facility, or animal
19 sanctuary accredited by the Association of Zoos and Aquariums or a similarly
20 recognized accrediting body. Nothing in this section shall be construed to allow an
21 owner or contractor to enter into a building on the adjoining property.

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