

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2297

103RD GENERAL ASSEMBLY

3890H.02P

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

22 2. Except as provided in section 537.351, the owner of the adjoining property
23 owes no duty of care to give any general or specific warning with respect to any natural
24 or artificial condition, structure, or personal property thereon to any person who enters
25 on such adjoining property with the purpose to construct, repair, or maintain a division
26 fence under this section.

272.380. 1. When an owner of real estate desires to construct, maintain, or
2 repair a division fence to enclose a field or enclosure where animals are kept or placed
3 as provided under section 272.220, such owner, or a contractor hired by such owner,
4 may enter on the adjoining property up to a distance of ten feet for the length of such
5 division fence to construct, maintain, or repair such division fence. The owner or
6 contractor constructing, maintaining, or repairing such division fence is not guilty of
7 trespass for entering onto the adjoining property during the construction, maintenance,
8 or repair of such division fence, provided that the owner or contractor does not enter
9 onto the adjoining property beyond the ten feet specified in this section. However, such
10 owner or contractor shall be liable for all damages, if any, caused by entry onto the
11 adjoining property, including damages to crops. Notwithstanding any provision to the
12 contrary, the owner or contractor that constructs, maintains, or repairs such division
13 fence under this section shall not be liable for damages for clearing or removing any
14 tree, brush, or vegetation that lies directly upon the property boundary line where such
15 division fence is constructed, maintained, or repaired, so that such division fence may be
16 constructed, maintained, or repaired upon such property boundary line. The provisions
17 of this section shall not apply when the adjoining property is owned or operated by any
18 utility company, railroad, 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.

22 2. Except as provided in section 537.351, the owner of the adjoining property
23 owes no duty of care to give any general or specific warning with respect to any natural
24 or artificial condition, structure, or personal property thereon to any person who enters
25 on such adjoining property with the purpose to construct, repair, or maintain a division
26 fence under this section.