

HB 2777 -- PUBLIC NUISANCE REFORM

SPONSOR: Keathley

This bill establishes the "Public Nuisance Reform Act", which establishes a nonexclusive list of actions or conditions that will not be considered a public nuisance or otherwise form the basis for a public nuisance cause of action. The Act requires a plaintiff in a public nuisance claim to plead with particularity and prove by a preponderance of the evidence that each named defendant's actions were both a but-for and proximate cause of the alleged public nuisance. A public nuisance cause of action can be brought by, on the relation of, or in the name of a political subdivision only if the alleged public nuisance is wholly contained within the jurisdiction of that political subdivision. In all other circumstances, a public nuisance cause of action can be brought only by the Missouri Attorney General after conferring with and receiving in writing the approval of the Governor. A private citizen can bring a public nuisance claim only if the person has sustained a special injury proximately caused by the defendant's conduct and only if the person proves, by clear and convincing evidence, the existence of the special injury caused by the defendant. A public nuisance claim must be brought within three years of when the plaintiff knew or should have known of the defendant's conduct that caused the public nuisance, and no public nuisance claim will recover damages for conduct occurring more than 10 years before the date on which the complaint was filed.