SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 631
96TH GENERAL ASSEMBLY
2012

AN ACT
To repeal sections 178.530, 276.401, 304.180, 350.015, and 578.005, RSMo, and to enact in lieu thereof thirteen new sections relating to agriculture, with penalty provisions.

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

Section A. Sections 178.530, 276.401, 304.180, 350.015, and 578.005, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 178.530, 262.255, 276.401, 304.180, 350.015, 350.017, 537.850, 537.856, 537.859, 578.005, 578.013, 1, and 2, to read as follows:

178.530. 1. The state board of education shall establish standards and annually inspect, as a basis for approval, all public prevocational, vocational schools, Linn State Technical College, departments and classes receiving state or federal moneys for giving training in agriculture, industrial, home economics and commercial subjects and all schools, departments and classes receiving state or federal moneys for the preparation of teachers and supervisors of such subjects. The public prevocational and vocational schools, Linn State Technical College, departments, and classes, and the training schools, departments and classes are entitled to the state or federal moneys so long as they are approved by the state board of education, as to site, plant, equipment, qualifications of teachers, admission of pupils, courses of study and methods of instruction. All disbursements of state or federal moneys for the benefit of the approved prevocational and vocational schools, Linn State Technical College, departments and classes shall be made semiannually. The school board of each approved

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
school or the governing body of Linn State Technical College shall file a report
with the state board of education at the times and in the form that the state
board requires. Upon receipt of a satisfactory report, the state board of education
shall certify to the commissioner of administration for his approval the amount
of the state and federal moneys due the school district or Linn State Technical
College. The amount due the school district shall be certified by the
commissioner of administration and proper warrant therefor shall be issued to
the district treasurer or Linn State Technical College.

2. Notwithstanding the provisions of subsection 1 of this section,
the state board of education shall establish standards for agricultural
education that may be adopted by a private school accredited by an
agency recognized by the United States Department of Education as an
accreditor of private schools that wishes to provide quality vocational
programming outside the requirements of, but consistent with, the
federal vocational education act. Such standards shall be sufficient to
qualify a private school to apply to the state chapter for approval of a
local chapter of a federally chartered national agricultural education
association on a form developed for that purpose by the department of
elementary and secondary education. The provisions of this subsection
shall not be construed to create eligibility for a private school to
receive state or federal funding for agricultural vocational education,
but shall not prohibit a private school from receiving state or federal
funds for which such private school would otherwise be eligible for
agricultural vocational education. Any such private school shall
reimburse the department annually for the cost of oversight and
maintenance of the program.

262.255. The state fair commission shall permit all qualifying 4-H
and Future Farmers of America (FFA) members to exhibit livestock at
the state fair. The state fair commission shall have the authority to
establish rules and fees for participation in its individual events.

276.401. 1. Sections 276.401 to 276.582 shall be known as the "Missouri
Grain Dealer Law".

2. The provisions of the Missouri grain dealer law shall apply to grain
purchases where title to the grain transfers from the seller to the buyer within
the state of Missouri.

3. Unless otherwise specified by contractual agreement, title shall be
deemed to pass to the buyer as follows:

(1) On freight on board (FOB) origin or freight on board (FOB) basing
point contracts, title transfers at time and place of shipment;

(2) On delivered contracts, when and where constructively placed, or otherwise made available at buyer's original destination;

(3) On contracts involving in-store commodities, at the storing warehouse and at the time of contracting or transfer, and/or mailing of documents, if required, by certified mail, unless and to the extent warehouse tariff, warehouse receipt and/or storage contract assumes the risk of loss and/or damage.

4. As used in sections 276.401 to 276.582, unless the context otherwise requires, the following terms mean:

(1) "Auditor", a person appointed under sections 276.401 to 276.582 by the director to assist in the administration of sections 276.401 to 276.582, and whose duties include making inspections, audits and investigations authorized under sections 276.401 to 276.582;

(2) "Authorized agent", any person who has the legal authority to act on behalf of, or for the benefit of, another person;

(3) "Buyer", any person who buys or contracts to buy grain;

(4) "Certified public accountant", any person licensed as such under chapter 326;

(5) "Claimant", any person who requests payment for grain sold by him to a dealer, but who does not receive payment because the purchasing dealer fails or refuses to make payment;

(6) "Credit sales contracts", a conditional grain sales contract wherein payment and/or pricing of the grain is deferred to a later date. Credit sales contracts include, but are not limited to, all contracts meeting the definition of deferred payment contracts, and/or delayed price contracts;

(7) "Current assets", resources that are reasonably expected to be realized in cash, sold, or consumed (prepaid items) within one year of the balance sheet date;

(8) "Current liabilities", obligations reasonably expected to be liquidated within one year and the liquidation of which is expected to require the use of existing resources, properly classified as current assets, or the creation of additional liabilities. Current liabilities include obligations that, by their terms, are payable on demand unless the creditor has waived, in writing, the right to demand payment within one year of the balance sheet date;

(9) "Deferred payment agreement", a conditional grain sales transaction establishing an agreed upon price for the grain and delaying payment to an agreed upon later date or time period. Ownership of the grain, and the right to sell it, transfers from seller to buyer so long as the conditions specified in section
276.461 and section 411.325 are met;

(10) "Deferred pricing agreement", a conditional grain sales transaction wherein no price has been established on the grain, the seller retains the right to price the grain later at a mutually agreed upon method of price determination. Deferred pricing agreements include, but are not limited to, contracts commonly known as no price established contracts, price later contracts, and basis contracts on which the purchase price is not established at or before delivery of the grain. Ownership of the grain, and the right to sell it, transfers from seller to buyer so long as the conditions specified in section 276.461 and section 411.325 are met;

(11) "Delivery date" shall mean the date upon which the seller transfers physical possession, or the right of physical possession, of the last unit of grain in any given transaction;

(12) "Department", the Missouri department of agriculture;

(13) "Designated representative", an employee or official of the department designated by the director to assist in the administration of sections 276.401 to 276.582;

(14) "Director", the director of the Missouri department of agriculture or his designated representative;

(15) "Generally accepted accounting principles", the conventions, rules and procedures necessary to define accepted accounting practice, which include broad guidelines of general application as well as detailed practices and procedures generally accepted by the accounting profession, and which have substantial authoritative support from the American Institute of Certified Public Accountants;

(16) "Grain", all grains for which the United States Department of Agriculture has established standards under the United States Grain Standards Act, Sections 71 to 87, Title 7, United States Code, and any other agricultural commodity or seed prescribed by the director by regulation;

(17) "Grain dealer" or "dealer", any person engaged in the business of, or as a part of his business participates in, buying grain where title to the grain transfers from the seller to the buyer within the state of Missouri. "Grain dealer" or "dealer" shall not be construed to mean or include:

(a) Any person or entity who is a member of a recognized board of trade or futures exchange and whose trading in grain is limited solely to trading with other members of a recognized board of trade or futures exchange; provided, that grain purchases from a licensed warehouseman, farmer/producer or any other individual or entity in a manner other than through the purchase of a grain
futures contract on a recognized board of trade or futures exchange shall be
subject to sections 276.401 to 276.582. Exempted herein are all futures
transactions;

(b) A producer or feeder of grain for livestock or poultry buying grain for
his own farming or feeding purposes who purchases grain exclusively from
licensed grain dealers or whose total grain purchases from producers during his
or her fiscal year do not exceed fifty thousand bushels;

(c) Any person or entity whose grain purchases in the state of Missouri
are made exclusively from licensed grain dealers;

(d) A manufacturer or processor of registered or unregistered feed whose
total grain purchases from producers during his or her fiscal year [does] do not
exceed [one hundred thousand dollars] fifty thousand bushels and who pays
for all grain purchases from producers at the time of physical transfer of the
grain from the seller or his or her agent to the buyer or his or her agent and
whose resale of such grain is solely in the form of manufactured or processed feed
or feed by-products or whole feed grains to be used by the purchaser thereof as
feed;

(18) "Grain transport vehicle", a truck, tractor-trailer unit, wagon, pup,
or any other vehicle or trailer used by a dealer, whether owned or leased by him,
to transport grain which he has purchased; except that, bulk or bagged feed
delivery trucks which are used principally for the purpose of hauling feed and any
trucks for which the licensed gross weight does not exceed twenty-four thousand
pounds shall not be construed to be a grain transport vehicle;

(19) "Insolvent" or "insolvency", (a) an excess of liabilities over assets or
(b) the inability of a person to meet his financial obligations as they come due, or
both (a) and (b);

(20) "Interested person", any person having a contractual or other
financial interest in grain sold to a dealer, licensed, or required to be licensed;

(21) "Location", any site other than the principal office where the grain
dealer engages in the business of purchasing grain;

(22) "Minimum price contract", a conditional grain sales transaction
establishing an agreed upon minimum price where the seller may participate in
subsequent price gain, if any. Ownership of the grain, and the right to sell it,
transfers from the seller to the buyer so long as the conditions specified in section
276.461 and section 411.325 are met;

(23) "Person", any individual, partnership, corporation, cooperative,
society, association, trustee, receiver, public body, political subdivision or any
other legal or commercial entity of any kind whatsoever, and any member, officer
or employee thereof;

(24) "Producer", any owner, tenant or operator of land who has an interest in and receives all or any part of the proceeds from the sale of grain or livestock produced thereon;

(25) "Purchase", to buy or contract to buy grain;

(26) "Sale", the passing of title from the seller to the buyer in consideration of the payment or promise of payment of a certain price in money, or its equivalent;

(27) "Value", any consideration sufficient to support a simple contract.

304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

<table>
<thead>
<tr>
<th>Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise</th>
<th>Maximum load in pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Feet</td>
<td>2 axles</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>28</td>
<td>34,000</td>
</tr>
<tr>
<td>29</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td></td>
</tr>
<tr>
<td>46</td>
<td></td>
</tr>
<tr>
<td>47</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td></td>
</tr>
<tr>
<td>56</td>
<td></td>
</tr>
<tr>
<td>57</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td></td>
</tr>
</tbody>
</table>
Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The
governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9 and 10 of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 65, and from U.S. Highway 65 from the Iowa state
line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line

10. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a processing facility may be as much as, but shall not exceed, eight-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

350.015. After September 28, 1975, no corporation not already engaged in farming shall engage in farming; nor shall any corporation, directly or indirectly, acquire, or otherwise obtain an interest, whether legal, beneficial or otherwise, in any title to agricultural land in this state; provided, however, that the restrictions set forth in this section shall not apply to the following:

(1) A bona fide encumbrance taken for purposes of security;
(2) A family farm corporation or an authorized farm corporation as defined in section 350.010;
(3) Agricultural land and land capable of being used for farming owned by a corporation as of September 28, 1975, including the normal expansion of such ownership at a rate not to exceed twenty percent, measured in acres, in any five-year period, or agricultural land and land capable of being used for farming which is leased by a corporation in an amount, measured in acres, not to exceed the acreage under lease to such corporation as of September 28, 1975, and the additional acreage for normal expansion at a rate not to exceed twenty percent in any five-year period, and the additional acreage reasonably necessary, whether to be owned or leased by a corporation, to meet the requirements of pollution control regulations;
(4) A farm operated wholly for research or experimental purposes, including seed research and experimentation and seed stock production for genetic improvements, provided that any commercial sales from such farm shall be incidental to the research or experimental objectives of the corporation;
(5) Agricultural land operated by a corporation for the purposes of growing nursery plants, vegetables, grain or fruit used exclusively for brewing or winemaking or distilling purposes and not for resale, for forest cropland or for the
production of poultry, poultry products, fish or mushroom farming, production of
registered breeding stock for sale to farmers to improve their breeding herds, for
the production of raw materials for pharmaceutical manufacture, chemical
processing, food additives and related products, and not for resale;

(6) Agricultural land operated by a corporation for the purposes of alfalfa
dehydration exclusively and only as to said lands lying within fifteen miles of a
dehydrating plant, and provided further said crops raised thereon shall be used
only for further processing and not for resale in its original form;

(7) Any interest, when acquired by an educational, religious, or charitable
not-for-profit or pro forma corporation or association;

(8) Agricultural land or any interest therein acquired by a corporation
other than a family farm corporation or authorized farm corporation, as defined
in section 350.010, for immediate or potential use in nonfarming purposes. A
corporation may hold such agricultural land in such acreage as may be necessary
to its nonfarm business operation; provided, however, that pending the
development of agricultural land for nonfarm purposes, such land may not be
used for farming except under lease to a family farm unit, a family farm
corporation or an authorized farm corporation, or except when controlled through
ownership, options, leaseholds, or other agreements by a corporation which has
entered into an agreement with the United States of America pursuant to the
New Community Act of 1968 (Title IV of the Housing and Urban Development Act
of 1968, 42 U.S.C. 3901-3914), as amended, or a subsidiary or assign of such a
corporation;

(9) Agricultural lands acquired by a corporation by process of law or
voluntary conveyance in the collection of debts, or by any procedure for the
enforcement of a lien or claim thereon, whether created by mortgage or otherwise;
provided, that any corporation may hold for ten years real estate acquired in
payment of a debt, by foreclosure or otherwise, and for such longer period as may
be provided by law;

(10) The provisions of sections 350.010 to 350.030 shall not apply to the
raising of hybrid hogs in connection with operations designed to improve the
quality, characteristics, profitability, or marketability of hybrid hogs through
selective breeding and genetic improvement where the primary purpose of such
livestock raising is to produce hybrid hogs to be used by farmers and livestock
raisers for the improvement of the quality of their herds;

(11) A bank or trust company acting as administrator or executor under
the terms of a will or trustee under the terms of a testamentary or inter vivos
trust created by the owner of a family farm, or an inter vivos or testamentary
trust, the principal of which is shares of a family farm corporation or authorized
farm corporation and which trust is created by a shareholder of the family farm
corporation or authorized farm corporation. However, a bank or trust company
acting in the administration of an investment trust or a management trust
formed with the primary purpose of making or managing investments or
income-producing property and purchasing agricultural real estate with trust
funds with the primary benefits accruing to investors or shareholders in the trust
is not exempt from the provisions of sections 350.010 to 350.030;
(12) Agricultural land that on June 1, 1998, was in compliance with
section 350.016;
(13) Agricultural land in compliance with section 350.017.
350.017. 1. The restrictions under section 350.015 shall not apply
to agricultural land in use as of September 28, 2007 by a corporation,
limited liability company, or limited liability partnership for the
production of swine or swine products located in:
(1) Any county of the third classification without a township
form of government and with fewer than two thousand five hundred
inhabitants;
(2) Any county of the third classification with a township form
of government and with more than six thousand but fewer than seven
county seats; or
(3) Any county of the third classification with a township form
of government and with more than eight thousand but fewer than nine
county seats; or
2. No corporation, limited liability company, or limited liability
partnership under subsection 1 of this section shall expand its
operations on such agricultural land, including but not limited to the
purchase of contiguous land or the construction of new buildings that
house animals or expansion of existing buildings that house animals;
however, nothing in this subsection shall prevent any such corporation,
limited liability company, or limited liability partnership from
repairing, maintaining or rebuilding any of its buildings or conducting
activities required in order to meet state or federal laws.
537.850. 1. Sections 537.850 to 537.859 shall be known and may
be cited as the "Agritourism Promotion Act".

2. As used in sections 537.850 to 537.859, the following terms shall mean:

(1) "Agritourism activity", any activity which allows members of the general public for recreational, entertainment, or educational purposes to view or enjoy rural activities, including but not limited to farming activities, ranching activities, or historic, cultural, or natural attractions. An activity may be an agritourism activity whether or not the participant pays to participate in the activity. An activity is not an agritourism activity if the participant is paid to participate in the activity;

(2) "Department", the state department of agriculture;

(3) "Director", the director of the department of agriculture;

(4) "Inherent risks of a registered agritourism activity", those dangers or conditions which are an integral part of such agritourism activity, including but not limited to certain hazards such as surface and subsurface conditions; natural conditions of land, vegetation, and waters; the behavior of wild or domestic animals; and ordinary dangers of structures or equipment ordinarily used in farming or ranching operations. Inherent risks of a registered agritourism activity also includes the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to follow instructions given by the registered agritourism operator or failing to exercise reasonable caution while engaging in the registered agritourism activity;

(5) "Participant", any person who engages in a registered agritourism activity;

(6) "Registered agritourism activity", any agritourism activity that is registered with the director of the department of agriculture as an AgriMissouri member under section 261.230, and any rules promulgated thereunder;

(7) "Registered agritourism location", a specific parcel of land which is registered with the director of the department of agriculture under section 261.230, and any rules promulgated thereunder, and where a registered agritourism operator engages in registered agritourism activities;

(8) "Registered agritourism operator", any person who is engaged in the business of providing one or more agritourism activities and is
registered with the director of the department of agriculture as an 
AgriMissouri member under section 261.230, and any rules promulgated 
thereunder.

537.856. 1. At every registered agritourism location, the 
registered agritourism operator shall post and maintain signage which 
contains the warning notice specified in subsection 3 of this 
section. The requirements of this section shall be deemed satisfied if 
such signage is placed in a clearly visible location at or near the 
registered agritourism location. The warning notice shall appear on 
the sign in black letters, with each letter to be at least one inch in 
height.

2. Every written contract entered into by a registered 
agritourism operator for the providing of a registered agritourism 
activity shall contain in clearly readable print the warning notice and 
language specified in subsection 3 of this section.

3. The required signage under this section shall contain the 
following warning notice:

"WARNING: Under Missouri law, there is no liability for an 
injury or death of a participant in a registered agritourism activity 
conducted at this registered agritourism location if such injury or 
death results from the inherent risks of such agritourism 
activity. Inherent risks of agritourism activities include, but are not 
limited to, the potential of you as a participant to act in a negligent 
manner that may contribute to your injury or death and the potential 
of another participant to act in a negligent manner that may contribute 
to your injury or death. You are assuming the risk of participating in 
this registered agritourism activity."

4. Upon request, the registered agritourism operator shall 
provide to any participant a written description of the registered 
agritourism activity, as set forth in the registration under subdivision 
(6) of subsection 2 of section 537.850 for which sections 537.850 to 
537.859 limit the registered agritourism operator's liability at the 
registered agritourism location.

537.859. 1. Except as provided in subsection 2 of this section, a 
registered agritourism operator is not liable for injury to or death of 
a participant resulting from the inherent risks of agritourism activities 
so long as the warning contained in section 537.856 is posted as 
required and, except as provided in subsection 2 of this section, no
participant or participant's representative shall maintain an action
against or recover from a registered agritourism operator for injury,
loss, damage, or death of the participant resulting exclusively from any
of the inherent risks of agritourism activities.

2. Nothing in sections 537.850 to 537.859 shall prevent or limit
the liability of a registered agritourism operator if the registered
agritourism operator:

(1) Injures the participant by willful or wanton conduct;
(2) Has actual knowledge or should have known of a dangerous
condition in the facilities or equipment used in the registered
agritourism activity and does not make such dangerous condition
known to a participant and such dangerous condition causes the
participant to sustain injuries; or
(3) Fails to use that degree of care that an ordinarily careful and
prudent person would use under the same or similar circumstances.

3. In any action for damages for personal injury, death, or
property damage arising from the operation of a registered tourism
activity in which an owner or operator is named as a defendant, it shall
be an affirmative defense to that liability that:

(1) The injured person assumed the risk;
(2) The injured person deliberately disregarded conspicuously
posted signs, verbal instructions, or other warnings regarding safety
measures during the activity; or
(3) Any equipment, animals, or appliance used by the injured
person during the activity were used in a manner or for a purpose
other than that for which a reasonable person should have known they
were intended.

578.005. As used in sections 578.005 to 578.023, the following terms shall
mean:

(1) "Adequate care", normal and prudent attention to the needs of an
animal, including wholesome food, clean water, shelter and health care as
necessary to maintain good health in a specific species of animal;
(2) "Adequate control", to reasonably restrain or govern an animal so that
the animal does not injure itself, any person, any other animal, or property;
(3) "Animal", every living vertebrate except a human being;
(4) "Animal shelter", a facility which is used to house or contain animals
and which is owned, operated, or maintained by a duly incorporated humane
society, animal welfare society, society for the prevention of cruelty to animals,
or other not-for-profit organization devoted to the welfare, protection, and
humane treatment of animals;

(5) "Farm animal", an animal raised on a farm or ranch and used or
intended for use in farm or ranch production, or as food or fiber;

(6) "Farm animal professional", any individual employed at a
location where farm animals are harbored;

(7) "Harbor", to feed or shelter an animal at the same location for three
or more consecutive days;

[(7)] (8) "Humane killing", the destruction of an animal accomplished by
a method approved by the American Veterinary Medical Association's Panel on
Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed
during the feeding of pet carnivores shall be considered humanely killed;

[(8)] (9) "Owner", in addition to its ordinary meaning, any person who
keeps or harbors an animal or professes to be owning, keeping, or harboring an
animal;

[(9)] (10) "Person", any individual, partnership, firm, joint stock
company, corporation, association, trust, estate, or other legal entity;

[(10)] (11) "Pests", birds, rabbits, or rodents which damage property or
have an adverse effect on the public health, but shall not include any endangered
species listed by the United States Department of the Interior nor any
endangered species listed in the Wildlife Code of Missouri.

578.013. 1. Whenever any farm animal professional videotapes
or otherwise makes a digital recording of what he or she believes to
depict a farm animal subjected to abuse or neglect under sections
578.009 or 578.012, such farm animal professional shall have a duty to
submit such videotape or digital recording to a law enforcement agency
within twenty-four hours of the recording.

2. No videotape or digital recording submitted under subsection
1 of this section shall be spliced, edited, or manipulated in any way
prior to its submission.

3. An intentional violation of any provision of this section is a
class A misdemeanor.

Section 1. The governing body of all national, state, and local
fairs and expositions conducted in this state which include the
exhibition of livestock shall permit all qualifying 4-H and Future
Farmers of America (FFA) members to exhibit livestock at such fair or
exposés. The governing body of each national, state, and local fair or
exposition shall have the authority to establish rules and fees for
Section 2. The governing body of all national, state, and local fairs, expositions, and pet shows conducted in this state which include the exhibition of livestock or domestic animals shall permit all livestock breeders and domestic animal owners to exhibit livestock and domestic animals at such fair, exposition, or pet show. The governing body of each national, state, and local fair, exposition, or pet show shall have the authority to establish rules and fees for participation in its individual events.