

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 12

AN ACT

To repeal sections 262.900, 275.352, 277.040, 281.065, 304.180, 442.571, and 537.325, RSMo, and to enact in lieu thereof fourteen new sections relating to agriculture.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 262.900, 275.352, 277.040, 281.065,  
2           304.180, 442.571, and 537.325, RSMo, are repealed and fourteen  
3           new sections enacted in lieu thereof, to be known as sections  
4           261.270, 261.275, 261.280, 261.285, 261.290, 261.295, 262.900,  
5           275.352, 277.040, 281.065, 304.180, 414.300, 442.571, and  
6           537.325, to read as follows:

7           261.270. The provisions of sections 261.270 to 261.295  
8           shall be known and may be cited as the "Missouri Dairy  
9           Revitalization Act of 2015".

10           261.275. 1. There is hereby created in the state treasury  
11           the "Missouri Dairy Industry Revitalization Fund", which shall  
12           consist of moneys appropriated to the fund. The state treasurer  
13           shall be custodian of the fund. In accordance with sections  
14           30.170 and 30.180, the state treasurer may approve disbursements  
15           of the fund. Upon appropriation by the general assembly, moneys  
16           in the fund shall be used solely to enhance and improve

1 Missouri's dairy and dairy processing industries in the manner  
2 provided for in sections 261.270 to 261.295. Notwithstanding the  
3 provisions of section 33.080 to the contrary, any moneys  
4 remaining in the fund at the end of the biennium shall not revert  
5 to the credit of the general revenue fund. The state treasurer  
6 shall invest moneys in the fund in the same manner as other funds  
7 are invested. Any interest and moneys earned on such investments  
8 shall be credited to the fund.

9 2. Moneys appropriated from the general revenue fund to the  
10 Missouri dairy industry revitalization fund shall not exceed  
11 forty percent of the estimated sales tax revenue generated in the  
12 state from the sale of dairy products during the preceding fiscal  
13 year, calculated under subsection 3 of this section, and shall be  
14 expended in the following order of priority:

15 (1) First, to the dairy producer margin insurance premium  
16 assistance program created under section 261.280;

17 (2) Second, to the Missouri dairy scholars program created  
18 under section 261.285; and

19 (3) Third, to the commercial agriculture program created  
20 under section 261.290.

21 3. Each fiscal year the University of Missouri shall  
22 conduct research, or contract with an independent research  
23 company to conduct research, to determine the estimated sales tax  
24 revenue generated in the state from the sale of dairy products.  
25 Such estimate shall be provided to the department of agriculture  
26 by October first of each year. The cost for such calculation  
27 shall be paid out of the Missouri dairy industry revitalization  
28 fund.

1           261.280. 1. The department of agriculture shall establish  
2 and administer, through the Missouri agricultural and small  
3 business development authority, a dairy producer margin insurance  
4 premium assistance program for the purpose of assisting dairy  
5 producers who participate in the federal margin protection  
6 program for dairy producers as contained in the federal  
7 Agricultural Act of 2014.

8           2. All dairy producers in the state who participate in the  
9 federal margin protection program for dairy producers shall be  
10 eligible to apply and participate in the dairy producer margin  
11 insurance premium assistance program. Dairy producers who wish  
12 to be considered for the program shall apply with the Missouri  
13 agricultural and small business development authority by January  
14 first of each year, and shall provide proof of participation in  
15 the federal margin protection program for dairy producers as  
16 contained in the federal Agricultural Act of 2014 by submitting a  
17 receipt of their paid annual federal premium payment. Eligible  
18 program participants shall receive reimbursement of seventy  
19 percent of their federal premium payment up to a maximum premium  
20 reimbursement rate of thirty-four cents per hundredweight of  
21 milk.

22           3. The University of Missouri and the Missouri agricultural  
23 and small business development authority shall provide risk  
24 management training for Missouri dairy producers on an annual  
25 basis.

26           261.285. 1. There is hereby established the "Missouri  
27 Dairy Scholars Program", which shall be administered by the  
28 department of agriculture. The program shall, upon

1 appropriation, provide scholarships, subject to the eligibility  
2 criteria enumerated in this section, for eligible students in an  
3 agriculture-related degree program who make a commitment to work  
4 in the agriculture industry in Missouri as a condition of  
5 receiving such scholarship.

6 2. Subject to appropriation, each year the department of  
7 agriculture shall make available to eligible students up to  
8 eighty scholarships in the amount of five thousand dollars each  
9 to assist with the cost of eligible students' tuition and fees at  
10 a two-year or four-year college or university in Missouri. Such  
11 amount shall be paid out of the Missouri dairy industry  
12 revitalization fund created in section 261.275.

13 3. As used in this section, the term "eligible student"  
14 shall mean an individual who:

15 (1) Is a United States citizen and a Missouri resident who  
16 has graduated from a Missouri high school with a cumulative grade  
17 point average of at least two and one-half on a four-point scale  
18 or equivalent;

19 (2) Is pursuing or has attained an agriculture-related  
20 degree approved by the department of agriculture and offered by a  
21 two-year or four-year college or university in Missouri;

22 (3) Signs an agreement with the department of agriculture  
23 in which the recipient agrees to work in the agriculture industry  
24 in Missouri for at least two years for every one year the  
25 recipient received the Missouri dairy scholars scholarship;

26 (4) Maintains a cumulative grade point average of at least  
27 two and one-half on a four-point scale or equivalent while  
28 enrolled in the college or university program; and

1       (5) Works on a dairy farm or has a dairy-related internship  
2 for at least three months of each year the recipient receives the  
3 Missouri dairy scholars scholarship.

4       261.290. The University of Missouri's commercial  
5 agriculture program shall conduct an annual study of the dairy  
6 industry and shall develop a dairy-specific plan for how to grow  
7 and enhance the dairy and dairy processing industries in  
8 Missouri. The results of such study shall be reported to the  
9 department of agriculture and all agriculture-related legislative  
10 committee chairpersons by January first of each year. The costs  
11 for such study shall be subject to appropriations and shall be  
12 paid out of the Missouri dairy industry revitalization fund  
13 created under section 261.275.

14       261.295. The department of agriculture shall promulgate  
15 rules and regulations for the implementation of sections 261.270  
16 to 261.295. Any rule or portion of a rule, as that term is  
17 defined in section 536.010 that is created under the authority  
18 delegated in this section and section 348.273 shall become  
19 effective only if it complies with and is subject to all of the  
20 provisions of chapter 536, and, if applicable, section 536.028.  
21 This section and chapter 536 are nonseverable and if any of the  
22 powers vested with the general assembly pursuant to chapter 536,  
23 to review, to delay the effective date, or to disapprove and  
24 annul a rule are subsequently held unconstitutional, then the  
25 grant of rulemaking authority and any rule proposed or adopted  
26 after August 28, 2015, shall be invalid and void.

27       262.900. 1. As used in this section, the following terms  
28 mean:

1           (1) "Agricultural products", an agricultural,  
2 horticultural, viticultural, or vegetable product, growing of  
3 grapes that will be processed into wine, bees, honey, fish or  
4 other aquacultural product, planting seed, livestock, a livestock  
5 product, a forestry product, poultry or a poultry product, either  
6 in its natural or processed state, that has been produced,  
7 processed, or otherwise had value added to it in this state;

8           (2) "Blighted area", that portion of the city within which  
9 the legislative authority of such city determines that by reason  
10 of age, obsolescence, inadequate, or outmoded design or physical  
11 deterioration have become economic and social liabilities, and  
12 that such conditions are conducive to ill health, transmission of  
13 disease, crime or inability to pay reasonable taxes;

14           (3) "Department", the department of agriculture;

15           (4) "Domesticated animal", cattle, calves, sheep, swine,  
16 ratite birds including but not limited to ostrich and emu,  
17 llamas, alpaca, buffalo, elk documented as obtained from a legal  
18 source and not from the wild, goats, or horses, other equines, or  
19 rabbits raised in confinement for human consumption;

20           (5) "Grower UAZ", a type of UAZ:

21           (a) That can either grow produce, raise livestock, or  
22 produce other value-added agricultural products;

23           (b) That does not exceed fifty laying hens, six hundred  
24 fifty broiler chickens, or thirty domesticated animals;

25           (6) "Livestock", cattle, calves, sheep, swine, ratite birds  
26 including but not limited to ostrich and emu, aquatic products as  
27 defined in section 277.024, llamas, alpaca, buffalo, elk  
28 documented as obtained from a legal source and not from the wild,

1 goats, or horses, other equines, or rabbits raised in confinement  
2 for human consumption;

3 (7) "Locally grown", a product that was grown or raised in  
4 the same county or city not within a county in which the UAZ is  
5 located or in an adjoining county or city not within a county.  
6 For a product raised or sold in a city not within a county,  
7 locally grown also includes an adjoining county with a charter  
8 form of government with more than nine hundred fifty thousand  
9 inhabitants and those adjoining said county;

10 (8) ["Processing UAZ", a type of UAZ:

11 (a) That processes livestock or poultry for human  
12 consumption;

13 (b) That meets federal and state processing laws and  
14 standards;

15 (c) Is a qualifying small business approved by the  
16 department;

17 (9)] "Meat", any edible portion of livestock or poultry  
18 carcass or part thereof;

19 [(10)] (9) "Meat product", anything containing meat  
20 intended for or capable of use for human consumption, which is  
21 derived, in whole or in part, from livestock or poultry;

22 [(11)] (10) "Mobile unit", the same as motor vehicle as  
23 defined in section 301.010;

24 (11) "Poultry", any domesticated bird intended for human  
25 consumption;

26 (12) "Processing UAZ", a type of UAZ:

27 (a) That processes livestock, poultry, or produce for human  
28 consumption;

1           (b) That meets federal and state processing laws and  
2 standards;

3           (c) Is a qualifying small business approved by the  
4 department;

5           (13) "Qualifying small business", those enterprises which  
6 are established within an Urban Agricultural Zone subsequent to  
7 its creation, and which meet the definition established for the  
8 Small Business Administration and set forth in Section 121.301 of  
9 Part 121 of Title 13 of the Code of Federal Regulations;

10           [(13)] (14) "Value-added agricultural products", any  
11 product or products that are the result of:

12           (a) Using an agricultural product grown in this state to  
13 produce a meat or dairy product in this state;

14           (b) A change in the physical state or form of the original  
15 agricultural product;

16           (c) An agricultural product grown in this state which has  
17 had its value enhanced by special production methods such as  
18 organically grown products; or

19           (d) A physical segregation of a commodity or agricultural  
20 product grown in this state that enhances its value such as  
21 identity preserved marketing systems;

22           [(14)] (15) "Urban agricultural zone" or "UAZ", a zone  
23 within a metropolitan statistical area as defined by the United  
24 States Office of Budget and Management that has one or more of  
25 the following entities that is a qualifying small business and  
26 approved by the department, as follows:

27           (a) Any organization or person who grows produce or other  
28 agricultural products;



1 (b) Any organization or person that raises livestock or  
2 poultry;

3 (c) Any organization or person who processes livestock or  
4 poultry;

5 (d) Any organization that sells at a minimum seventy-five  
6 percent locally grown food;

7 [(15)] (16) "Vending UAZ", a type of UAZ:

8 (a) That sells produce, meat, or value-added locally grown  
9 agricultural goods;

10 (b) That is able to accept food stamps under the provisions  
11 of the Supplemental Nutrition Assistance Program as a form of  
12 payment; and

13 (c) Is a qualifying small business that is approved by the  
14 department for an UAZ vendor license.

15 2. (1) A person or organization shall submit to any  
16 incorporated municipality an application to develop an UAZ on a  
17 blighted area of land. Such application shall demonstrate or  
18 identify on the application:

19 (a) If the person or organization is a grower UAZ,  
20 processing UAZ, vending UAZ, or a combination of all three types  
21 of UAZs provided in this paragraph, in which case the person or  
22 organization shall meet the requirements of each type of UAZ in  
23 order to qualify;

24 (b) The number of jobs to be created;

25 (c) The types of products to be produced; and

26 (d) If applying for a vending UAZ, the ability to accept  
27 food stamps under the provisions of the Supplemental Nutrition  
28 Assistance Program if selling products to consumers.

1           (2) A municipality shall review and modify the application  
2 as necessary before either approving or denying the request to  
3 establish an UAZ.

4           (3) Approval of the UAZ by such municipality shall be  
5 reviewed five and ten years after the development of the UAZ.  
6 After twenty-five years, the UAZ shall dissolve.  
7 If the municipality finds during its review that the UAZ is not  
8 meeting the requirements set out in this section, the  
9 municipality may dissolve the UAZ.

10           3. The governing body of any municipality planning to seek  
11 designation of an urban agricultural zone shall establish an  
12 urban agricultural zone board. The number of members on the  
13 board shall be seven. One member of the board shall be appointed  
14 by the school district or districts located within the area  
15 proposed for designation of an urban agricultural zone. Two  
16 members of the board shall be appointed by other affected taxing  
17 districts. The remaining four members shall be chosen by the  
18 chief elected officer of the municipality. The four members  
19 chosen by the chief elected officer of the municipality shall all  
20 be residents of the county or city not within a county in which  
21 the UAZ is to be located, and at least one of such four members  
22 shall have experience in or represent organizations associated  
23 with sustainable agriculture, urban farming, community gardening,  
24 or any of the activities or products authorized by this section  
25 for UAZs.

26           4. The school district member and the two affected taxing  
27 district members shall each have initial terms of five years. Of  
28 the four members appointed by the chief elected official, two

1 shall have initial terms of four years, and two shall have  
2 initial terms of three years. Thereafter, members shall serve  
3 terms of five years. Each member shall hold office until a  
4 successor has been appointed. All vacancies shall be filled in  
5 the same manner as the original appointment. For inefficiency or  
6 neglect of duty or misconduct in office, a member of the board  
7 may be removed by the applicable appointing authority.

8 5. A majority of the members shall constitute a quorum of  
9 such board for the purpose of conducting business and exercising  
10 the powers of the board and for all other purposes. Action may  
11 be taken by the board upon a vote of a majority of the members  
12 present.

13 6. The members of the board annually shall elect a chair  
14 from among the members.

15 7. The role of the board shall be to conduct the activities  
16 necessary to advise the governing body on the designation of an  
17 urban agricultural zone and any other advisory duties as  
18 determined by the governing body. The role of the board after  
19 the designation of an urban agricultural zone shall be review and  
20 assessment of zone activities.

21 8. Prior to the adoption of an ordinance proposing the  
22 designation of an urban agricultural zone, the urban agricultural  
23 board shall fix a time and place for a public hearing and notify  
24 each taxing district located wholly or partially within the  
25 boundaries of the proposed urban agricultural zone. The board  
26 shall send, by certified mail, a notice of such hearing to all  
27 taxing districts and political subdivisions in the area to be  
28 affected and shall publish notice of such hearing in a newspaper

1 of general circulation in the area to be affected by the  
2 designation at least twenty days prior to the hearing but not  
3 more than thirty days prior to the hearing. Such notice shall  
4 state the time, location, date, and purpose of the hearing. At  
5 the public hearing any interested person or affected taxing  
6 district may file with the board written objections to, or  
7 comments on, and may be heard orally in respect to, any issues  
8 embodied in the notice. The board shall hear and consider all  
9 protests, objections, comments, and other evidence presented at  
10 the hearing. The hearing may be continued to another date  
11 without further notice other than a motion to be entered upon the  
12 minutes fixing the time and place of the subsequent hearing.

13 9. Following the conclusion of the public hearing required  
14 under subsection 8 of this section, the governing authority of  
15 the municipality may adopt an ordinance designating an urban  
16 agricultural zone.

17 10. The real property of the UAZ shall not be subject to  
18 assessment or payment of ad valorem taxes on real property  
19 imposed by the cities affected by this section, or by the state  
20 or any political subdivision thereof, for a period of up to  
21 twenty-five years as specified by ordinance under subsection 9 of  
22 this section, except to such extent and in such amount as may be  
23 imposed upon such real property during such period, as was  
24 determined by the assessor of the county in which such real  
25 property is located, or, if not located within a county, then by  
26 the assessor of such city, in an amount not greater than the  
27 amount of taxes due and payable thereon during the calendar year  
28 preceding the calendar year during which the urban agricultural

1 zone was designated. The amounts of such tax assessments shall  
2 not be increased during such period so long as the real property  
3 is used in furtherance of the activities provided under the  
4 provisions of subdivision (13) of subsection 1 of this section.  
5 At the conclusion of the period of abatement provided by the  
6 ordinance, the property shall then be reassessed. If only a  
7 portion of real property is used as an UAZ, then only that  
8 portion of real property shall be exempt from assessment or  
9 payment of ad valorem taxes on such property, as provided by this  
10 section.

11 11. If the water services for the UAZ are provided by the  
12 municipality, the municipality may authorize a grower UAZ to pay  
13 wholesale water rates[. If available,] for the cost of water  
14 consumed on the UAZ [and]. If available, the UAZ may pay fifty  
15 percent of the standard cost to hook onto the water source.

16 12. (1) Any local sales tax revenues received from the  
17 sale of agricultural products sold in the UAZ, or any local sales  
18 tax revenues received by a mobile unit associated with a vending  
19 UAZ selling agricultural products in the municipality in which  
20 the vending UAZ is located, shall be deposited in the urban  
21 agricultural zone fund established in subdivision (2) of this  
22 subsection. An amount equal to one percent shall be retained by  
23 the director of revenue for deposit in the general revenue fund  
24 to offset the costs of collection.

25 (2) There is hereby created in the state treasury the  
26 "Urban Agricultural Zone Fund", which shall consist of money  
27 collected under subdivision (1) of this subsection. The state  
28 treasurer shall be custodian of the fund. In accordance with

1 sections 30.170 and 30.180, the state treasurer may approve  
2 disbursements. The fund shall be a dedicated fund and, upon  
3 appropriation, shall be used for the purposes authorized by this  
4 section. Notwithstanding the provisions of section 33.080 to the  
5 contrary, any moneys remaining in the fund at the end of the  
6 biennium shall not revert to the credit of the general revenue  
7 fund. The state treasurer shall invest moneys in the fund in the  
8 same manner as other funds are invested. Any interest and moneys  
9 earned on such investments shall be credited to the fund. Fifty  
10 percent of fund moneys shall be made available to school  
11 districts. The remaining fifty percent of fund moneys shall be  
12 allocated to municipalities that have urban agricultural zones  
13 based upon the municipality's percentage of local sales tax  
14 revenues deposited into the fund. The municipalities shall, upon  
15 appropriation, provide fund moneys to urban agricultural zones  
16 within the municipality for improvements. School districts may  
17 apply to the department for money in the fund to be used for the  
18 development of curriculum on or the implementation of urban  
19 farming practices under the guidance of the University of  
20 Missouri extension service and a certified vocational  
21 agricultural instructor. The funds are to be distributed on a  
22 competitive basis within the school district or districts in  
23 which the UAZ is located pursuant to rules to be promulgated by  
24 the department, with special consideration given to the relative  
25 number of students eligible for free and reduced-price lunches  
26 attending the schools within such district or districts.

27 13. Any rule or portion of a rule, as that term is defined  
28 in section 536.010, that is created under the authority delegated

1 in this section shall become effective only if it complies with  
2 and is subject to all of the provisions of chapter 536 and, if  
3 applicable, section 536.028. This section and chapter 536 are  
4 nonseverable and if any of the powers vested with the general  
5 assembly pursuant to chapter 536 to review, to delay the  
6 effective date, or to disapprove and annul a rule are  
7 subsequently held unconstitutional, then the grant of rulemaking  
8 authority and any rule proposed or adopted after August 28, 2013,  
9 shall be invalid and void.

10 14. The provisions of this section shall not apply to any  
11 county with a charter form of government and with more than three  
12 hundred thousand but fewer than four hundred fifty thousand  
13 inhabitants.

14 275.352. 1. If a national referendum among beef producers  
15 passes and a federal assessment on beef producers is adopted  
16 pursuant to federal law, no state fees shall be collected under  
17 the provisions of this chapter, in excess of a commensurate  
18 amount credited against the obligation to pay any such federal  
19 assessment. Upon adoption of the federal assessment, beef shall  
20 be exempt from the refund provision of section 275.360.

21 2. Notwithstanding the provisions of subsection 1 of this  
22 section to the contrary, a beef commodity council may only  
23 collect state fees if a referendum is approved on or after August  
24 28, 2015, in the manner provided under the provisions of  
25 subsections 3 to 12 of this section.

26 3. A beef commodity council established pursuant to the  
27 provisions of this chapter may submit to the director a petition  
28 approved by a two-thirds vote of the council or signed by twenty-

1 five percent of Missouri beef producers to impose or modify a  
2 Missouri beef checkoff fee upon beef producers. Any petition  
3 submitted to establish or modify a Missouri beef checkoff fee,  
4 and the referendum to follow, shall specify the amount and manner  
5 of collection of the fee to be assessed. In no case shall the  
6 Missouri beef checkoff fee exceed the amount of the federal  
7 assessment on beef. Upon receipt of such petition the director:

8 (1) Determine the legal sufficiency of the petition;

9 (2) Establish a list of beef producers or make any such  
10 existing list current;

11 (3) Hold a public hearing or hearings on the proposed  
12 program;

13 (4) Publish a notice to beef producers advising them:

14 (a) That a petition has been filed with the director;

15 (b) The time and place or places of the public hearing or  
16 hearings; and

17 (c) That to be eligible to vote in the referendum the  
18 producer shall register. The director shall give notice in  
19 publications devoted to agriculture which have a total statewide  
20 circulation of not less than two hundred twenty-five thousand, at  
21 least one month prior to the hearing. The fees for the  
22 publication of notice shall be advanced in cash to the director  
23 by the beef commodity council and no publication of notice shall  
24 be paid for by state funds;

25 (5) Provide forms to enable producers to register, which  
26 forms shall include the producer's name, mailing address, and the  
27 yearly average quantity of beef cattle sold by him or her in the  
28 three years preceding the date of the notice, or in such lesser



1 period as a producer has sold beef cattle;

2 (6) Approve the petition, in whole or as revised, or  
3 disapprove the petition depending upon the determinations made  
4 after public hearing;

5 (7) After approval of a petition, hold a referendum among  
6 the beef producers to determine whether or not the Missouri beef  
7 checkoff fee shall be imposed.

8 4. The director shall determine the sufficiency of the  
9 petition within twenty-one days after it is submitted to him or  
10 her and shall publish notice of the public hearing and  
11 registration requirements giving at least ten days' notice prior  
12 to public hearing and thirty days' notice to register prior to  
13 the referendum.

14 5. If a majority of the votes cast are in favor of  
15 adoption, and if those producers voting in favor of adoption  
16 represent a majority of the production of all registered  
17 producers casting votes, the petition is adopted.

18 6. If the required percentage by number and by production  
19 of those voting is in favor of the adoption of the proposal in  
20 the petition, the director shall declare the proposal to be  
21 adopted.

22 7. A proposal to change the amount of the fee to be  
23 collected or to make other changes may be made by a two-thirds  
24 vote of the council or by petition of twenty-five percent of the  
25 commodity producers. The proposal shall then be submitted to  
26 referendum under which the same percentages by number and  
27 production shall be required for approval as were required for  
28 establishment of the original merchandising program. However,

1 the council, by two-thirds vote, may lower the amount of the fee  
2 to be collected, or may thereafter increase the amount of the fee  
3 to not more than the rate originally approved without a  
4 referendum vote. Such increase or decrease of fees shall not  
5 become effective except at the beginning of the next state fiscal  
6 year.

7 8. A proposal to terminate the Missouri beef checkoff fee  
8 may be made by a majority of the council or by petition of ten  
9 percent of the registered beef producers. The proposed  
10 termination shall be submitted to referendum under which a simple  
11 majority of those voting shall be required for termination.

12 9. No referendum to change the amount of fee, or to make  
13 other major changes may be held within twelve months of a  
14 referendum conducted for a similar purpose.

15 10. Fees collected pursuant to this section shall be  
16 collected in the same manner as that used to collect the federal  
17 assessment on beef. The department shall keep and account for  
18 the state and federal assessments separately. State fees  
19 collected pursuant to this section shall be subject to the refund  
20 provision provided under section 275.360.

21 11. Notwithstanding the provisions of section 275.350 to  
22 the contrary, fees imposed under this section shall be collected  
23 and remitted to the Missouri Beef Industry Council, which shall  
24 deposit such fees in a separate account from all other funds.  
25 Funds derived from the fees established under this section shall  
26 only be used to research, market, educate, and promote beef  
27 products and production.

28 12. The department may adopt such rules, statements of

1 policy, procedures, forms, and guidelines as may be necessary to  
2 carry out the provisions of this section. Any rule or portion of  
3 a rule, as that term is defined in section 536.010 that is  
4 created under the authority delegated in this section shall  
5 become effective only if it complies with and is subject to all  
6 of the provisions of chapter 536, and, if applicable, section  
7 536.028. This section and chapter 536 are nonseverable and if  
8 any of the powers vested with the general assembly pursuant to  
9 chapter 536, to review, to delay the effective date, or to  
10 disapprove and annul a rule are subsequently held  
11 unconstitutional, then the grant of rulemaking authority and any  
12 rule proposed or adopted after August 28, 2015, shall be invalid  
13 and void.

14 277.040. 1. Any person engaged in establishing or  
15 operating a livestock sale or market for the purpose aforesaid  
16 shall file with the state veterinarian of the state department of  
17 agriculture an application for a license to transact such  
18 business under the provisions of this chapter. The application  
19 shall state the nature of the business and the city, township and  
20 county, and the complete post office address at which the  
21 business is to be conducted, together with any additional  
22 information that the state veterinarian requires, and a separate  
23 license shall be secured for each place where a sale is to be  
24 conducted such as is defined and required to be licensed under  
25 the provisions of this chapter.

26 2. The state veterinarian shall then issue to the applicant  
27 a license upon payment of an annual license fee to be fixed by  
28 rule or regulation entitling the applicant to conduct a livestock

1 sale or market for the period of the license year or for any  
2 unexpired portion thereof, unless the license is revoked as  
3 herein provided.

4 3. All license fees collected under this chapter shall not  
5 yield revenue greater than the total cost of administering this  
6 chapter during the ensuing year. All license fees collected  
7 shall be made payable to the order of the state treasurer and  
8 deposited with him to the credit of the "Livestock Sales and  
9 Markets Fees Fund" hereby created, subject to appropriation by  
10 the general assembly, to inure to the use and benefit of the  
11 animal health division of the department of agriculture.

12 4. No business entity, whether a proprietorship,  
13 partnership or corporation shall be issued a livestock market  
14 license if any such proprietor, partner or, if a corporation, any  
15 officer or major shareholder thereof, participated in the  
16 violation of any provision of this chapter within the preceding  
17 five years, which resulted in the revocation of a livestock  
18 market license.

19 281.065. 1. The director shall not issue a certified  
20 commercial applicator's license until the applicant or the  
21 employer of the applicant has furnished evidence of financial  
22 responsibility with the director consisting either of a surety  
23 bond or a liability insurance policy or certification thereof,  
24 protecting persons who may suffer legal damages as a result of  
25 the operations of the applicant; except that, such surety bond or  
26 liability insurance policy need not apply to damages or injury to  
27 crops, plants or land being worked upon by the applicant.  
28 Following the receipt of the initial license, the certified

1 commercial applicator shall not be required to furnish evidence  
2 of financial responsibility to the department for the purpose of  
3 license renewal unless upon request. Annual renewals for surety  
4 bonds or liability insurance shall be maintained at the business  
5 location from which the certified commercial applicator is  
6 licensed. Valid surety bonds or liability insurance certificates  
7 shall be available for inspection by the director or his or her  
8 designee at a reasonable time during regular business hours or,  
9 upon a request in writing, the director shall be furnished a copy  
10 of the surety bond or liability insurance certificate within ten  
11 working days of receipt of the request.

12         2. The amount of the surety bond or liability insurance  
13 required by this section shall be not less than [twenty-five]  
14 fifty thousand dollars [for property damage and bodily injury  
15 insurance, each separately and] for each occurrence. Such surety  
16 bond or liability insurance shall be maintained at not less than  
17 that sum at all times during the licensed period. The director  
18 shall be notified by the surety or insurer within twenty days  
19 prior to any cancellation or reduction [at the request of the  
20 bond- or policyholder or any cancellation of such] of the surety  
21 bond or liability insurance [by the surety or insurer, as long as  
22 the total and aggregate of the surety and insurer for all claims  
23 shall be limited to the face of the bond or liability insurance  
24 policy]. If the surety bond or liability insurance policy which  
25 provides the financial responsibility for the [applicant]  
26 certified commercial applicator is provided by the employer of  
27 the [applicant] certified commercial applicator, the employer of  
28 the [applicant] certified commercial applicator shall immediately

1 notify the director upon the termination of the employment of the  
2 [applicant] certified commercial applicator or when a condition  
3 exists under which the [applicant] certified commercial  
4 applicator is no longer provided bond or insurance coverage by  
5 the employer. The [applicant] certified commercial applicator  
6 shall then immediately execute a surety bond or an insurance  
7 policy to cover the financial responsibility requirements of this  
8 section and [shall furnish the director with evidence of  
9 financial responsibility as required by this section] the  
10 certified commercial applicator or the applicator's employer  
11 shall maintain the surety bond or liability insurance certificate  
12 at the business location from which the certified commercial  
13 applicator is licensed. The director may accept a liability  
14 insurance policy or surety bond in the proper sum which has a  
15 deductible clause in an amount not exceeding one thousand  
16 dollars; except that, if the bond- or policyholder has not  
17 satisfied the requirement of the deductible amount in any prior  
18 legal claim, such deductible clause shall not be accepted by the  
19 director unless the bond- or policyholder [furnishes the director  
20 with] executes and maintains a surety bond or liability insurance  
21 which shall satisfy the amount of the deductible as to all claims  
22 that may arise in his or her application of pesticides.

23 3. If the surety [furnished] becomes unsatisfactory, the  
24 bond- or policyholder shall[, upon notice,] immediately execute a  
25 new bond or insurance policy and maintain the surety bond or  
26 liability insurance certificate at the business location from  
27 which the certified commercial applicator is licensed, and if he  
28 or she fails to do so, the director shall cancel his or her

1 license, or deny the license of an applicant, and give him or her  
2 notice of cancellation or denial, and it shall be unlawful  
3 thereafter for the applicant to engage in the business of using  
4 pesticides until the bond or insurance is brought into compliance  
5 with the requirements of subsection 1 of this section. If the  
6 bond- or policyholder does not execute a new bond or insurance  
7 policy within sixty days of expiration of such bond or policy,  
8 the licensee shall be required to satisfy all the requirements  
9 for licensure as if never before licensed.

10 4. Nothing in sections 281.010 to 281.115 shall be  
11 construed to relieve any person from liability for any damage to  
12 the person or lands of another caused by the use of pesticides  
13 even though such use conforms to the rules and regulations of the  
14 director.

15 304.180. 1. No vehicle or combination of vehicles shall be  
16 moved or operated on any highway in this state having a greater  
17 weight than twenty thousand pounds on one axle, no combination of  
18 vehicles operated by transporters of general freight over regular  
19 routes as defined in section 390.020 shall be moved or operated  
20 on any highway of this state having a greater weight than the  
21 vehicle manufacturer's rating on a steering axle with the maximum  
22 weight not to exceed twelve thousand pounds on a steering axle,  
23 and no vehicle shall be moved or operated on any state highway of  
24 this state having a greater weight than thirty-four thousand  
25 pounds on any tandem axle; the term "tandem axle" shall mean a  
26 group of two or more axles, arranged one behind another, the  
27 distance between the extremes of which is more than forty inches  
28 and not more than ninety-six inches apart.

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

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

11 Distance in feet between the extremes  
 12 of any group of two or more consecutive  
 13 axles, measured to the nearest foot,  
 14 except where indicated otherwise           Maximum load in pounds

15 feet	2 axles	3 axles	4 axles	5 axles	6 axles
16 4	34,000				
17 5	34,000				
18 6	34,000				
19 7	34,000				
20 8	34,000	34,000			
21 More than 8	38,000	42,000			
22 9	39,000	42,500			
23 10	40,000	43,500			
24 11	40,000	44,000			
25 12	40,000	45,000	50,000		
26 13	40,000	45,500	50,500		
27 14	40,000	46,500	51,500		
28 15	40,000	47,000	52,000		



1	16	40,000	48,000	52,500	58,000	
2	17	40,000	48,500	53,500	58,500	
3	18	40,000	49,500	54,000	59,000	
4	19	40,000	50,000	54,500	60,000	
5	20	40,000	51,000	55,500	60,500	66,000
6	21	40,000	51,500	56,000	61,000	66,500
7	22	40,000	52,500	56,500	61,500	67,000
8	23	40,000	53,000	57,500	62,500	68,000
9	24	40,000	54,000	58,000	63,000	68,500
10	25	40,000	54,500	58,500	63,500	69,000
11	26	40,000	55,500	59,500	64,000	69,500
12	27	40,000	56,000	60,000	65,000	70,000
13	28	40,000	57,000	60,500	65,500	71,000
14	29	40,000	57,500	61,500	66,000	71,500
15	30	40,000	58,500	62,000	66,500	72,000
16	31	40,000	59,000	62,500	67,500	72,500
17	32	40,000	60,000	63,500	68,000	73,000
18	33	40,000	60,000	64,000	68,500	74,000
19	34	40,000	60,000	64,500	69,000	74,500
20	35	40,000	60,000	65,500	70,000	75,000
21	36		60,000	66,000	70,500	75,500
22	37		60,000	66,500	71,000	76,000
23	38		60,000	67,500	72,000	77,000
24	39		60,000	68,000	72,500	77,500
25	40		60,000	68,500	73,000	78,000
26	41		60,000	69,500	73,500	78,500
27	42		60,000	70,000	74,000	79,000
28	43		60,000	70,500	75,000	80,000

1	44	60,000	71,500	75,500	80,000
2	45	60,000	72,000	76,000	80,000
3	46	60,000	72,500	76,500	80,000
4	47	60,000	73,500	77,500	80,000
5	48	60,000	74,000	78,000	80,000
6	49	60,000	74,500	78,500	80,000
7	50	60,000	75,500	79,000	80,000
8	51	60,000	76,000	80,000	80,000
9	52	60,000	76,500	80,000	80,000
10	53	60,000	77,500	80,000	80,000
11	54	60,000	78,000	80,000	80,000
12	55	60,000	78,500	80,000	80,000
13	56	60,000	79,500	80,000	80,000
14	57	60,000	80,000	80,000	80,000

15 Notwithstanding the above table, two consecutive sets of tandem  
16 axles may carry a gross load of thirty-four thousand pounds each  
17 if the overall distance between the first and last axles of such  
18 consecutive sets of tandem axles is thirty-six feet or more.

19 4. Whenever the state highways and transportation  
20 commission finds that any state highway bridge in the state is in  
21 such a condition that use of such bridge by vehicles of the  
22 weights specified in subsection 3 of this section will endanger  
23 the bridge, or the users of the bridge, the commission may  
24 establish maximum weight limits and speed limits for vehicles  
25 using such bridge. The governing body of any city or county may  
26 grant authority by act or ordinance to the state highways and  
27 transportation commission to enact the limitations established in  
28 this section on those roadways within the purview of such city or

1 county. Notice of the weight limits and speed limits established  
2 by the commission shall be given by posting signs at a  
3 conspicuous place at each end of any such bridge.

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

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

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

25 8. Notwithstanding the provision of this section to the  
26 contrary, the maximum gross vehicle limit and axle weight limit  
27 for any vehicle or combination of vehicles equipped with an idle  
28 reduction technology may be increased by a quantity necessary to

1 compensate for the additional weight of the idle reduction system  
2 as provided for in 23 U.S.C. Section 127, as amended. In no case  
3 shall the additional weight increase allowed by this subsection  
4 be greater than five hundred fifty pounds. Upon request by an  
5 appropriate law enforcement officer, the vehicle operator shall  
6 provide proof that the idle reduction technology is fully  
7 functional at all times and that the gross weight increase is not  
8 used for any purpose other than for the use of idle reduction  
9 technology.

10 9. [Notwithstanding subsection 3 of this section or any  
11 other provision of law to the contrary, the total gross weight of  
12 any vehicle or combination of vehicles hauling livestock may be  
13 as much as, but shall not exceed, eighty-five thousand five  
14 hundred pounds while operating on U.S. Highway 36 from St.  
15 Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state  
16 line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa  
17 state line to U.S. Highway 36, and on U.S. Highway 63 from U.S.  
18 Highway 36 to Missouri Route 17. The provisions of this  
19 subsection shall not apply to vehicles operated on the Dwight D.  
20 Eisenhower System of Interstate and Defense Highways.

21 10.] Notwithstanding any provision of this section or any  
22 other law to the contrary, the total gross weight of any vehicle  
23 or combination of vehicles hauling milk, from a farm to a  
24 processing facility or livestock may be as much as, but shall not  
25 exceed, eighty-five thousand five hundred pounds while operating  
26 on highways other than the interstate highway system. The  
27 provisions of this subsection shall not apply to vehicles  
28 operated and operating on the Dwight D. Eisenhower System of

1 Interstate and Defense Highways.

2 [11.] 10. Notwithstanding any provision of this section or  
3 any other law to the contrary, any vehicle or combination of  
4 vehicles hauling grain or grain co-products during times of  
5 harvest may be as much as, but not exceeding, ten percent over  
6 the maximum weight limitation allowable under subsection 3 of  
7 this section while operating on highways other than the  
8 interstate highway system. The provisions of this subsection  
9 shall not apply to vehicles operated and operating on the Dwight  
10 D. Eisenhower System of Interstate and Defense Highways.

11 11. Notwithstanding any provision of this section or any  
12 other law to the contrary, the department of transportation shall  
13 issue emergency utility response permits for the transporting of  
14 utility wires or cables, poles, and equipment needed for repair  
15 work immediately following a disaster where utility service has  
16 been disrupted. Under exigent circumstances, verbal approval of  
17 such operation may be made either by the motor carrier compliance  
18 supervisor or other designated motor carrier services  
19 representative. Utility vehicles and equipment used to assist  
20 utility companies granted special permits under this subsection  
21 may be operated and transported on state-maintained roads and  
22 highways at any time on any day. The department of  
23 transportation shall promulgate all necessary rules and  
24 regulations for the administration of this section. Any rule or  
25 portion of a rule, as that term is defined in section 536.010,  
26 that is created under the authority delegated in this section  
27 shall become effective only if it complies with and is subject to  
28 all of the provisions of chapter 536 and, if applicable, section

1 536.028. This section and chapter 536 are nonseverable and if  
2 any of the powers vested with the general assembly pursuant to  
3 chapter 536 to review, to delay the effective date, or to  
4 disapprove and annul a rule are subsequently held  
5 unconstitutional, then the grant of rulemaking authority and any  
6 rule proposed or adopted after August 28, 2014, shall be invalid  
7 and void.

8 414.300. 1. No later than January 1, 2016, the department  
9 of agriculture shall propose a rule regarding renewable fuels and  
10 the labeling of motor fuel pumps.

11 2. Any rule or portion of a rule, as that term is defined  
12 in section 536.010, that is created under the authority delegated  
13 in this section shall become effective only if it complies with  
14 and is subject to all of the provisions of chapter 536 and, if  
15 applicable, section 536.028. This section and chapter 536 are  
16 nonseverable, and if any of the powers vested with the general  
17 assembly under chapter 536 to review, to delay the effective  
18 date, or to disapprove and annul a rule are subsequently held  
19 unconstitutional, then the grant of rulemaking authority and any  
20 rule proposed or adopted after August 28, 2015, shall be invalid  
21 and void.

22 442.571. 1. Except as provided in sections 442.586 and  
23 442.591, no alien or foreign business shall acquire by grant,  
24 purchase, devise, descent or otherwise agricultural land in this  
25 state if the total aggregate alien and foreign ownership of  
26 agricultural acreage in this state exceeds one percent of the  
27 total aggregate agricultural acreage in this state. [No such] A  
28 sale[, ] or transfer[, or acquisition] of any agricultural land in

1 this state shall [occur unless such sale, transfer, or  
2 acquisition is approved by] be submitted to the director of the  
3 department of agriculture for review in accordance with  
4 subsection 3 of this section only if there is no completed  
5 Internal Revenue Service Form W-9 signed by the purchaser. No  
6 person may hold agricultural land as an agent, trustee, or other  
7 fiduciary for an alien or foreign business in violation of  
8 sections 442.560 to 442.592, provided, however, that no security  
9 interest in such agricultural land shall be divested or  
10 invalidated by such violation.

11 2. Any alien or foreign business who acquires agricultural  
12 land in violation of sections 442.560 to 442.592 remains in  
13 violation of sections 442.560 to 442.592 for as long as he or she  
14 holds an interest in the land, provided, however, that no  
15 security interest in such agricultural land shall be divested or  
16 invalidated by such violation.

17 3. [All] Subject to the provisions of subsection 1 of this  
18 section, such proposed acquisitions by grant, purchase, devise,  
19 descent, or otherwise of agricultural land in this state shall be  
20 submitted to the department of agriculture to determine whether  
21 such acquisition of agricultural land is conveyed in accordance  
22 with the one percent restriction on the total aggregate alien and  
23 foreign ownership of agricultural land in this state. The  
24 department shall establish by rule the requirements for  
25 submission and approval of requests under this subsection.

26 4. Any rule or portion of a rule, as that term is defined  
27 in section 536.010, that is created under the authority delegated  
28 in this section shall become effective only if it complies with

1 and is subject to all of the provisions of chapter 536 and, if  
2 applicable, section 536.028. This section and chapter 536 are  
3 nonseverable and if any of the powers vested with the general  
4 assembly pursuant to chapter 536 to review, to delay the  
5 effective date, or to disapprove and annul a rule are  
6 subsequently held unconstitutional, then the grant of rulemaking  
7 authority and any rule proposed or adopted after August 28, 2014,  
8 shall be invalid and void.

9 537.325. 1. As used in this section, unless the context  
10 otherwise requires, the following words and phrases shall mean:

11 (1) "Engages in an equine activity", riding, training,  
12 assisting in medical treatment of, driving or being a passenger  
13 upon an equine, whether mounted or unmounted, or any person  
14 assisting a participant or any person involved in show  
15 management. The term "engages in an equine activity" does not  
16 include being a spectator at an equine activity, except in cases  
17 where the spectator places himself in an unauthorized area;

18 (2) "Equine", a horse, pony, mule, donkey or hinny;

19 (3) "Equine activity":

20 (a) Equine shows, fairs, competitions, performances or  
21 parades that involve any or all breeds of equines and any of the  
22 equine disciplines, including, but not limited to, dressage,  
23 hunter and jumper horse shows, grand prix jumping, three-day  
24 events, combined training, rodeos, driving, pulling, cutting,  
25 polo, steeplechasing, English and western performance riding,  
26 endurance trail riding and western games and hunting;

27 (b) Equine training or teaching activities or both;

28 (c) Boarding equines;



1 (d) Riding, inspecting or evaluating an equine belonging to  
2 another, whether or not the owner has received [some] or  
3 currently receives monetary consideration or other thing of value  
4 for the use of the equine or is permitting a prospective  
5 purchaser of the equine to ride, inspect or evaluate the equine;

6 (e) Rides, trips, hunts or other equine activities [of any  
7 type] however informal or impromptu that are sponsored by an  
8 equine activity sponsor; and

9 (f) Placing or replacing horseshoes on an equine;

10 (4) "Equine activity sponsor", an individual, group, club,  
11 partnership or corporation, whether or not operating for profit  
12 or nonprofit, legal entity, or any employee thereof, which  
13 sponsors, organizes or provides the facilities for, an equine  
14 activity, including but not limited to pony clubs, 4-H clubs,  
15 hunt clubs, riding clubs, school- and college-sponsored classes,  
16 programs and activities, therapeutic riding programs and  
17 operators, instructors and promoters of equine facilities,  
18 including but not limited to stables, clubhouses, pony ride  
19 strings, fairs and arenas at which the activity is held;

20 (5) "Equine professional", a person engaged for  
21 compensation, or an employee of such a person engaged:

22 (a) In instructing a participant or renting to a  
23 participant an equine for the purpose of riding, driving or being  
24 a passenger upon the equine; or

25 (b) In renting equipment or tack to a participant;

26 (6) "Inherent risks of equine or livestock activities",  
27 those dangers or conditions which are an integral part of equine  
28 or livestock activities, including but not limited to:

1 (a) The propensity of any equine or livestock to behave in  
2 ways that may result in injury, harm or death to persons on or  
3 around it;

4 (b) The unpredictability of any equine's or livestock's  
5 reaction to such things as sounds, sudden movement and unfamiliar  
6 objects, persons or other animals;

7 (c) Certain hazards such as surface and subsurface  
8 conditions;

9 (d) Collisions with other equines, livestock, or objects;

10 (e) The potential of a participant to act in a negligent  
11 manner that may contribute to injury to the participant or  
12 others, such as failing to maintain control over the animal or  
13 not acting within his ability;

14 (7) "Livestock", the same as used in section 277.020;

15 (8) "Livestock activity":

16 (a) Grazing, herding, feeding, branding, milking, or other  
17 activity that involves the care or maintenance of livestock;

18 (b) A livestock show, fair, competition, or auction;

19 (c) A livestock training or teaching activity;

20 (d) Boarding livestock; and

21 (e) Inspecting or evaluating livestock;

22 (9) "Livestock activity sponsor", an individual, group,  
23 club, partnership, or corporation, whether or not operating for  
24 profit or nonprofit, legal entity, or any employee thereof, which  
25 sponsors, organizes, or provides the facilities for, a livestock  
26 activity;

27 (10) "Livestock facility", a property or facility at which  
28 a livestock activity is held;

1           (11) "Livestock owner", a person who owns livestock that is  
2 involved in livestock activity;

3           (12) "Participant", any person, whether amateur or  
4 professional, who engages in an equine activity or a livestock  
5 activity, whether or not a fee is paid to participate in the  
6 equine activity or livestock activity.

7           2. Except as provided in subsection 4 of this section, an  
8 equine activity sponsor, an equine professional, a livestock  
9 activity sponsor, a livestock owner, a livestock facility, a  
10 livestock auction market, any employee thereof, or any other  
11 person or corporation shall not be liable for an injury to or the  
12 death of a participant resulting from the inherent risks of  
13 equine or livestock activities and, except as provided in  
14 subsection 4 of this section, no participant or a participant's  
15 representative shall make any claim against, maintain an action  
16 against, or recover from an equine activity sponsor, an equine  
17 professional, a livestock activity sponsor, a livestock owner, a  
18 livestock facility, a livestock auction market, any employee  
19 thereof, or any other person from injury, loss, damage or death  
20 of the participant resulting from any of the inherent risks of  
21 equine or livestock activities.

22           3. This section shall not apply to the horse racing  
23 industry as regulated in sections 313.050 to 313.720. This  
24 section shall not apply to any employer-employee relationship  
25 governed by the provisions of, and for which liability is  
26 established pursuant to, chapter 287.

27           4. The provisions of subsection 2 of this section shall not  
28 prevent or limit the liability of an equine activity sponsor, an

1 equine professional, a livestock activity sponsor, a livestock  
2 owner, a livestock facility, a livestock auction market, any  
3 employee thereof, or any other person if the equine activity  
4 sponsor, equine professional, livestock activity sponsor,  
5 livestock owner, livestock facility, livestock auction market,  
6 any employee thereof, or person:

7 (1) Provided the equipment or tack and knew or should have  
8 known that the equipment or tack was faulty and such equipment or  
9 tack was faulty to the extent that [it did cause] the equipment  
10 or tack caused the injury; or

11 (2) Provided the equine or livestock and failed to make  
12 reasonable and prudent efforts to determine the ability of the  
13 participant to engage safely in the equine activity or livestock  
14 activity and determine the ability of the participant to safely  
15 manage the particular equine or livestock based on the  
16 participant's age, obvious physical condition or the  
17 participant's representations of his or her ability;

18 (3) Owns, leases, rents or otherwise is in lawful  
19 possession and control of the land or facilities upon which the  
20 participant sustained injuries because of a dangerous latent  
21 condition which was known to the equine activity sponsor, equine  
22 professional, livestock activity sponsor, livestock owner,  
23 livestock facility, livestock auction market, any employee  
24 thereof, or person and for which warning signs have not been  
25 conspicuously posted;

26 (4) Commits an act or omission that constitutes willful or  
27 wanton disregard for the safety of the participant and that act  
28 or omission caused the injury;

1 (5) Intentionally injures the participant;

2 (6) Fails to use that degree of care that an ordinarily  
3 careful and prudent person would use under the same or similar  
4 circumstances.

5 5. The provisions of subsection 2 of this section shall not  
6 prevent or limit the liability of an equine activity sponsor  
7 [or], an equine professional, a livestock activity sponsor, a  
8 livestock owner, a livestock facility, a livestock auction  
9 market, or any employee thereof under liability provisions as set  
10 forth in any other section of law.

11 6. Every equine activity sponsor and livestock activity  
12 sponsor shall post and maintain signs which contain the warning  
13 notice specified in this subsection. Such signs shall be placed  
14 in a clearly visible location on or near stables, corrals or  
15 arenas where the [equine professional] equine activity sponsor or  
16 livestock activity sponsor conducts equine or livestock  
17 activities if such stables, corrals or arenas are owned, managed  
18 or controlled by the [equine professional] equine activity  
19 sponsor or livestock activity sponsor. The warning notice  
20 specified in this subsection shall appear on the sign in black  
21 letters on a white background with each letter to be a minimum of  
22 one inch in height. Every written contract entered into by an  
23 equine professional [and], an equine activity sponsor, a  
24 livestock activity sponsor, a livestock owner, a livestock  
25 facility, a livestock auction market, or any employee thereof for  
26 the providing of professional services, instruction or the rental  
27 of equipment [or], tack, or an equine to a participant, whether  
28 or not the contract involves equine or livestock activities on or

1 off the location or site of the equine professional's [or],  
2 equine activity sponsor's , or livestock activity sponsor's  
3 business, shall contain in clearly readable print the warning  
4 notice specified in this subsection. The signs and contracts  
5 described in this subsection shall contain the following warning  
6 notice:

7 WARNING

8 Under Missouri law, an equine activity sponsor, an  
9 equine professional, a livestock activity sponsor, a  
10 livestock owner, a livestock facility, a livestock  
11 auction market, or any employee thereof is not liable  
12 for an injury to or the death of a participant in  
13 equine or livestock activities resulting from the  
14 inherent risks of equine or livestock activities  
15 pursuant to the Revised Statutes of Missouri.