

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 661**  
100TH GENERAL ASSEMBLY

---

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, March 2, 2020, with recommendation that the Senate Committee Substitute do pass.

3636S.03C

ADRIANE D. CROUSE, Secretary.

---

**AN ACT**

To amend chapter 537, RSMo, by adding thereto one new section relating to liability of prescribed burns.

---

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

Section A. Chapter 537, RSMo, is amended by adding thereto one new  
2 section, to be known as section 537.354, to read as follows:

**537.354. 1. This section shall be known and may be cited as the**  
2 **"Prescribed Burning Act".**

3 **2. As used in this section, the following terms mean:**

4 **(1) "Agent of an owner of land", any person who has permission**  
5 **from a landowner to participate in a prescribed burning on the**  
6 **landowner's property, but shall not include a certified prescribed burn**  
7 **manager who manages a prescribed burning on the landowner's**  
8 **property;**

9 **(2) "Certified prescribed burn manager", a person who**  
10 **successfully completes a prescribed burn certification program**  
11 **approved by the Missouri department of conservation;**

12 **(3) "Prescribed burn plan", a written plan that is in a format**  
13 **approved by the Missouri department of conservation establishing the**  
14 **conditions and methods to perform a prescribed burning;**

15 **(4) "Prescribed burning", the planned and controlled application**  
16 **of fire to existing vegetative fuels in order to accomplish one or more**  
17 **specific land management objectives including, but not limited to,**  
18 **vegetative fuel reduction, silvicultural treatments, wildlife habitat**  
19 **improvement, and management of grassland and other plant**  
20 **communities.**

21           **3. Prescribed burning is a land management tool that benefits**  
22 **the safety of the public, the environment, and the economy of the state**  
23 **of Missouri.**

24           **4. No owner of land or agent of an owner of land shall be liable**  
25 **for damage, injury, or loss caused by a prescribed burning or the**  
26 **resulting smoke of a prescribed burning conducted at the direction of**  
27 **a certified prescribed burn manager in accordance with a prescribed**  
28 **burn plan unless the owner of land or agent of an owner of land is**  
29 **proven to be negligent.**

30           **5. No certified prescribed burn manager shall be liable for**  
31 **damage, injury, or loss caused by a prescribed burning or the resulting**  
32 **smoke of a prescribed burning conducted at the direction of a certified**  
33 **prescribed burn manager in accordance with a prescribed burn plan**  
34 **unless the certified prescribed burn manager is proven to be negligent.**

✓

Bill

Copy