

SECOND REGULAR SESSION

# SENATE BILL NO. 661

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3636S.01I

## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to liability for 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", a person or persons who have**  
5 **permission from an owner of land to be present on the owner's property**  
6 **to conduct a prescribed burn;**

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

10 **(3) "Prescribed burn plan", a written plan that is in a format**  
11 **approved by the Missouri department of conservation establishing the**  
12 **conditions and methods;**

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

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

22           4. No owner of land or agent of an owner of land shall be liable  
23 for damage, injury, or loss caused by a prescribed burn or the resulting  
24 smoke of a prescribed burn unless the owner of land or agent of an  
25 owner of land is proven to be negligent.

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

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Bill

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