

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 301

101ST GENERAL ASSEMBLY

1194S.03C

ADRIANE D. CROUSE, Secretary

## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to the 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  
2 one new section, to be known as section 537.354, to read as  
3 follows:

537.354. 1. This section shall be known and may be  
2 cited as the "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  
5 permission from a landowner to participate in a prescribed  
6 burning on the landowner's property;

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

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

14 (4) "Prescribed burning", the planned and controlled  
15 application of fire to existing vegetative fuels in order to  
16 accomplish one or more specific land management objectives  
17 including, but not limited to, vegetative fuel reduction,

18 silvicultural treatments, wildlife habitat improvement, and  
19 management of grassland and other plant communities.

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

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

28 5. No certified prescribed burn manager shall be  
29 liable for damage, injury, or loss caused by a prescribed  
30 burning or the resulting smoke of a prescribed burning  
31 unless the certified prescribed burn manager is proven to be  
32 negligent.

33 6. The provisions of subsections 4 and 5 of this  
34 section shall not apply to any of the following:

35 (1) Any property, land, right-of-way, or easement  
36 owned by a public utility or a municipally-owned utility;

37 (2) Any property, land, right-of-way, or easement  
38 owned by any rural electric cooperative organized or  
39 operating pursuant to the provisions of chapter 394, any  
40 corporation organized on a nonprofit or cooperative basis as  
41 described in subsection 1 of section 394.200, or any  
42 electrical corporation operating under a cooperative  
43 business plan as described in subsection 2 of section  
44 393.110; and

45 (3) Any property, land, right-of-way, or easement  
46 appurtenant or incidental to lands controlled by any  
47 railroad.

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