

# SENATE BILL NO. 301

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

1194S.01I

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 one new 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 "Prescribed Burning Act".**

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

**(1) "Agent of an owner of land", any person who has permission from a landowner to participate in a prescribed burning on the landowner's property;**

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

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

**(4) "Prescribed burning", the planned and controlled application of fire to existing vegetative fuels in order to accomplish one or more specific land management objectives 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.

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