

SENATE BILL NO. 1516

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

6216S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 272, RSMo, by adding thereto two new sections relating to fences and enclosures.

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

Section A. Chapter 272, RSMo, is amended by adding thereto
2 two new sections, to be known as sections 272.138 and 272.380,
3 to read as follows:

272.138. When an owner of real estate desires to
2 construct, maintain, or repair a division fence to enclose a
3 field or enclosure where animals are kept as provided under
4 section 272.010, such owner, or a contractor hired by such
5 owner, may enter on the adjoining property up to a distance
6 of ten feet for the length of such division fence to
7 construct, maintain, or repair such division fence. The
8 owner or contractor constructing, maintaining, or repairing
9 such division fence is not guilty of trespass for entering
10 onto the adjoining property during the construction,
11 maintenance, or repair of such division fence, provided that
12 the owner or contractor does not enter onto the adjoining
13 property beyond the ten feet specified in this section.
14 However, such owner or contractor shall be liable for all
15 damages, if any, caused by entry onto the adjoining
16 property, including damages to crops. Notwithstanding any
17 provision of law to the contrary, the owner or contractor

18 that constructs, maintains, or repairs such division fence
19 under this section shall not be liable for damages for
20 clearing or removing any tree, brush, or vegetation that
21 lies directly upon the property boundary line where such
22 division fence is constructed, maintained, or repaired, so
23 that such division fence may be constructed, maintained, or
24 repaired upon such property boundary line. The provisions
25 of this section shall not apply when the adjoining property
26 is owned or operated by any utility company, railroad, or a
27 zoological park, wildlife conservation facility, or animal
28 sanctuary accredited by the Association of Zoos and
29 Aquariums or a similarly recognized accrediting body.
30 Nothing in this section shall be construed to allow an owner
31 or contractor to enter into a building on the adjoining
32 property.

272.380. When an owner of real estate desires to
2 construct, maintain, or repair a division fence to enclose a
3 field or enclosure where animals are kept or placed as
4 provided under section 272.220, such owner, or a contractor
5 hired by such owner, may enter on the adjoining property up
6 to a distance of ten feet for the length of such division
7 fence to construct, maintain, or repair such division
8 fence. The owner or contractor constructing, maintaining,
9 or repairing such division fence is not guilty of trespass
10 for entering onto the adjoining property during the
11 construction, maintenance, or repair of such division fence,
12 provided that the owner or contractor does not enter onto
13 the adjoining property beyond the ten feet specified in this
14 section. However, such owner or contractor shall be liable
15 for all damages, if any, caused by entry onto the adjoining
16 property, including damages to crops. Notwithstanding any
17 provision of law to the contrary, the owner or contractor

18 that constructs, maintains, or repairs such division fence
19 under this section shall not be liable for damages for
20 clearing or removing any tree, brush, or vegetation that
21 lies directly upon the property boundary line where such
22 division fence is constructed, maintained, or repaired, so
23 that such division fence may be constructed, maintained, or
24 repaired upon such property boundary line. The provisions
25 of this section shall not apply when the adjoining property
26 is owned or operated by any utility company, railroad, or a
27 zoological park, wildlife conservation facility, or animal
28 sanctuary accredited by the Association of Zoos and
29 Aquariums or a similarly recognized accrediting body.
30 Nothing in this section shall be construed to allow an owner
31 or contractor to enter into a building on the adjoining
32 property.

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