

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 857
95TH GENERAL ASSEMBLY

1941L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 258.100, RSMo, and to enact in lieu thereof two new sections relating to recreational land use.

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

Section A. Section 258.100, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 258.100 and 258.105, to read as follows:

258.100. 1. As used in this section, the word "trail" means any land which was acquired or utilized by the state for use as a public hiking, biking or recreational trail or any land or interest therein acquired or utilized hereafter by a political subdivision for use as a public hiking, biking or recreational trail. However, a trail not acquired by the state must be designated by the governing body of the political subdivision as a greenway system of trails or part of a dedicated system of trails, the acquisition conveyance whether by deed, easement agreement, grant, assignment, or reservation of rights to the political subdivision must state the interest in the land is being granted for such purposes, the greenway system or dedicated system of trails must be designed exclusively for the purposes herein designated, and shall not include roads or streets, nor sidewalks, walkways or paths which are intended to connect neighborhoods for pedestrian traffic, such as common sidewalks or walkways.

2. Any person owning land adjoining the trail shall be immune from civil liability for injuries to person or property of persons trespassing or entering on such person's land without implied or expressed permission, invitation, or consent where:

(1) The person who was injured entered the land by way of the trail; and

(2) Such person was subsequently injured on lands adjoining the trail.

3. The immunity created by this section does not apply if the injuries were caused by:

(1) The intentional or unlawful act of the owner or possessor of such land; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 (2) The willful or wanton act of the owner or possessor of such land.

20 **4. The development of a trail within the right-of-way of any existing railroad line**
21 **is encouraged.**

258.105. 1. This section shall be known as the "Landowner Liability Protection
2 **Act".**

3 **2. An owner of land who either directly or indirectly invites or permits without**
4 **charge any person to use such property for recreational purposes does not thereby:**

5 (1) **Extend any assurance that the premises are safe for any purpose;**

6 (2) **Confer upon such person the legal status of an invitee or licensee to whom a**
7 **duty of care is owed;**

8 (3) **Assume responsibility for or incur liability for any injury to persons or property**
9 **caused by an act of omission of such persons;**

10 (4) **Assume responsibility for or incur liability for any injury to persons or**
11 **property, wherever such persons or property are located, caused while engaging in**
12 **recreational activity.**

13 **3. Immunity from liability under subsection 2 of this section shall not apply to any**
14 **injuries that were caused by:**

15 (1) **The intentional or unlawful act of the owner or possessor of such land; or**

16 (2) **The willful or wanton act of the owner or possessor of such land.**

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