

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 258, Page 1, Section A, Line 3, by  
2 inserting after all of said section and line the following:

3  
4 "272.030. [If any horses, cattle or other stock shall break over or through any lawful fence,  
5 as defined in section 272.020, and by so doing obtain access to, or do trespass upon, the premises of  
6 another, the owner of such animal shall, for the first trespass, make reparation to the party injured for  
7 the true value of the damages sustained, to be recovered with costs before a circuit or associate  
8 circuit judge, and for any subsequent trespass the party injured may put up said animal or animals  
9 and take good care of the same and immediately notify the owner, who shall pay to taker-up the  
10 amount of the damages sustained, and such compensation as shall be reasonable for the taking up and  
11 keeping of such animals, before he shall be allowed to remove the same, and if the owner and  
12 taker-up cannot agree upon the amount of the damages and compensation, either party may institute  
13 an action in circuit court as in other civil cases. If the owner recover, he shall recover his costs and  
14 any damages he may have sustained, and the court shall issue an order requiring the taker-up to  
15 deliver to him the animals. If the taker-up recover, the judgment shall be a lien upon the animals  
16 taken up, and in addition to a general judgment and execution, he shall have a special execution  
17 against such animals to pay the judgment rendered, and costs] The owner of any livestock that  
18 trespasses on the premises of another shall not be held strictly liable for any damages.

19 272.230. [If any horses, cattle or other stock trespass upon the premises of another, the  
20 owner of the animal shall for the first trespass make reparation to the party injured for the true value  
21 of the damages sustained, to be recovered with costs before an associate circuit judge, or in any court  
22 of competent jurisdiction, and for any subsequent trespass the party injured may put up the animal or  
23 animals and take good care of them and immediately notify the owner, who shall pay to the taker-up  
24 the amount of the damages sustained, and such compensation as shall be reasonable for the taking up  
25 and keeping of the animals, before he shall be allowed to remove them, and if the owner and taker-up  
26 cannot agree upon the amount of the damages and compensation either party may make complaint to  
27 an associate circuit judge of the county, setting forth the fact of the disagreement, and the associate  
28 circuit judge shall be possessed of the cause, and shall issue a summons to the adverse party and  
29 proceed with the cause as in other civil cases. If the owner recovers, he shall recover his costs and  
30 any damages he may have sustained, and the associate circuit judge shall issue an order requiring the  
31 taker-up to deliver to him the animals. If the taker-up recover, the judgment shall be a lien upon the

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1 animals taken up, and, in addition to a general judgment and execution, he shall have a special  
2 execution against the animals to pay the judgment rendered and costs] The owner of any livestock  
3 that trespasses on the premises of another shall not be held strictly liable for any damages  
4 sustained."; and

5  
6 Further amend said bill by amending the title, enacting clause, and intersectional references  
7 accordingly.