

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 344

94TH GENERAL ASSEMBLY

0765L.01T

2007

AN ACT

To repeal section 537.353, RSMo, and to enact in lieu thereof one new section relating to field crop damage.

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

Section A. Section 537.353, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.353, to read as follows:

537.353. 1. Any person or entity who knowingly damages or destroys any field crop product that is grown for personal or commercial purposes, or for testing or research purposes in the context of a product development program in conjunction or coordination with a private research facility, a university, or any federal, state or local government agency, shall be liable for double damages pursuant to this section.

2. **Notwithstanding the provisions of section 537.340, or the provisions of subsection 1 of this section, any person or entity who negligently commits any of the acts described in subsection 1 of this section shall be liable only for compensatory damages.**

3. In awarding damages pursuant to **subsections 1 and 2** of this section, the courts shall consider the following:

(1) The market value of the crop prior to damage or destruction; and

(2) The actual damages involving production, research, testing replacement and crop development costs directly related to the crop that has been damaged or destroyed.

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.

14 [3.] **4.** In addition, the court may award court costs, including reasonable attorneys fees.

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