

FIRST REGULAR SESSION

# HOUSE BILL NO. 248

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RECTOR, AVERY, LEMBKE (85), KRATKY, SAGER, RANSDALL, SPRENG, DEEKEN, WHORTON, EMERY (Co-sponsors), TOWNLEY, KING, HAMPTON, WALSH, WARD, DAVIS (122), CORCORAN, STEVENSON, YAEGER, COOPER (120), BYRD, CRAWFORD, MOORE, BAKER, DEMPSEY, GRAHAM, DOUGHERTY, MERIDETH, HUNTER, WALKER, HARRIS (110), QUINN AND SHOEMAKER (8).

Read 1<sup>st</sup> time January 22, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0861L.011

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### AN ACT

To repeal section 258.100, RSMo, and to enact in lieu thereof one new section relating to immunity from civil liability for certain landowners.

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

Section A. Section 258.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 258.100, to read as follows:

258.100. 1. As used in this section, the word "trail" means any land [previously used as a railroad right-of-way] which was acquired by the state for use as a public hiking, biking, or recreational trail, or any land or interest therein acquired hereafter by a [municipality or county] **political subdivision** for use as a public hiking, biking, or recreational trail[, located in any county of the first classification which contains a city with a population of one hundred thousand or more inhabitants which adjoins no other county of the first classification, or in a county of the first classification with a population of over nine hundred thousand]. However, a trail not acquired by the state must be designated by the governing body of the [municipality or county] **political subdivision** as a greenway system of trails **or part of a dedicated system of trails**, the acquisition [deed] **conveyance whether by deed, easement agreement, grant assignment or reservation of rights** to the [city or county] **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,

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

14 nor sidewalks, walkways, or paths which are intended to connect neighborhoods for pedestrian  
15 traffic, such as common sidewalks or walkways.

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

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

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

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

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

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