

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 156, Page 1, in the Title, Lines 2-3, by
2 deleting the words "highway designations" and inserting in lieu thereof the word "transportation";
3 and
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5 Further amend said bill and page, Section 227.423, Line 5, by inserting immediately after all of said
6 section the following:

7 "227.524. The portion of Highway 10 from the western border of the city limits of Norborne
8 in Carroll County to the eastern border of the city limits of Hardin in Ray County shall be designated
9 the "Ray-Carroll County Veterans Memorial Highway". The department of transportation shall erect
10 and maintain appropriate signs designating such highway with costs to be paid by private
11 donations."; and
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13 Further amend said bill and page, Section 227.525, Line 4, by inserting immediately after said line
14 the following:

15 "537.345. As used in sections 537.345 to [537.347] 537.348, and section 537.351, the
16 following terms mean:

17 (1) "Charge", the admission price or fee asked by an owner of land or an invitation or
18 permission without price or fee to use land for recreational purposes when such invitation or
19 permission is given for the purpose of sales promotion, advertising or public goodwill in fostering
20 business purposes;

21 (2) "Land", all real property, land and water, and all structures, fixtures, equipment and
22 machinery thereon;

23 (3) "Owner", any individual, legal entity or governmental agency that has any ownership or
24 security interest whatever or lease or right of possession in land;

25 (4) "Recreational use", hunting, fishing, camping, picnicking, biking, aviation activities,
26 nature study, winter sports, viewing or enjoying archaeological or scenic sites, trapping, paddle
27 sports as defined in section 537.327, swimming except for such activity as defined in section
28 537.348, or other similar activities undertaken for recreation, exercise, education, relaxation, or
29 pleasure on land owned by another;

30 (5) "Trespasser", any person who enters on the property of another without permission and
31 without an invitation, express or implied regardless of whether actual notice of trespass was given or
32 the land was posted in accordance with the provisions of sections 569.140 and 569.145.

33 537.348. Nothing in this act shall be construed to create liability, but it does not limit
34 liability that otherwise would be incurred by those who use the land of others, or by owners of land
35 for:

36 (1) Malicious or grossly negligent failure to guard or warn against a dangerous condition,

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1 structure, personal property which the owner knew or should have known to be dangerous, or
2 negligent failure to guard or warn against an ultrahazardous condition which the owner knew or
3 should have known to be dangerous;

4 (2) Injury suffered by a person who has paid a charge for entry to the land; [or]

5 (3) Injuries occurring on or in:

6 (a) Any land within the corporate boundaries of any city, municipality, town, or village in
7 this state;

8 (b) Any swimming pool. "Swimming pool" means a pool or tank, especially an artificial
9 pool or tank, intended and adapted for swimming and held out as a swimming pool;

10 (c) Any residential area. "Residential area" as used herein means a tract of land of one acre
11 or less predominately used for residential purposes, or a tract of land of any size used for multifamily
12 residential services; or

13 (d) Any noncovered land. "Noncovered land" as used herein means any portion of any land,
14 the surface of which portion is actually used primarily for commercial, industrial, mining or
15 manufacturing purposes; provided, however, that use of any portion of any land primarily for
16 agricultural, grazing, forestry, conservation, natural area, owner's recreation or similar or related uses
17 or purposes shall not under any circumstances be deemed to be use of such portion for commercial,
18 industrial, mining or manufacturing purposes; or

19 (4) A landowner who:

20 (a) Intentionally injures a participant;

21 (b) Provides unsafe equipment or devices who knew or should have known that the
22 equipment or device was unsafe to the extent that it did cause the injury; or

23 (c) Fails to use that degree of care that an ordinarily careful and prudent person would use
24 under the same or similar circumstances."; and

25
26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.
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