

HB 170 -- BUSINESS PREMISES SAFETY ACT

SPONSOR: Cox

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 8 to 4.

This bill establishes the Business Premises Safety Act which prohibits business owners and operators from restricting any person from lawfully possessing a firearm in a motor vehicle except in a vehicle owned or leased by the business. Business owners, operators, merchants, and shopkeepers do not have a duty to guard against the criminal act of a third party unless they know or have reason to know that the acts are occurring or are about to occur that could pose imminent injury to a person or that the same criminal acts have occurred on the premises within the prior 24 months and is likely to occur again. In either case, it will be their duty to use reasonable care to protect against the acts.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPONENTS: Supporters say that the bill clarifies the right to possess firearms and also reintroduces the common law requirement that a person is generally not responsible for the criminal acts of a third party. The bill rejects the totality of the circumstances test for tort liability in order to provide clear guidance to property owners.

Testifying for the bill were Representative Cox; Missouri Retailers Association; Missouri Chamber of Commerce and Industry; and National Rifle Association of America.

OPPONENTS: Those who oppose the bill say that it is necessary to establish specific standards requiring businesses to protect the public. The legislation eliminates mode of doing business liability in which businesses ignore illegal activities such as drugs and prostitution in order to profit from those engaging in these practices.

Testifying against the bill was John Davidson.