

HCS HB 1400 -- BUSINESS PREMISES SAFETY ACT

SPONSOR: Jones, 89 (Cox)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 11 to 1.

This substitute establishes the Business Premises Safety Act which prohibits a business owner or operator 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 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. An owner or operator of a business will not be liable for any injury or damage resulting from compliance with these provisions.

FISCAL NOTE: No impact on state funds in FY 2011, FY 2012, and FY 2013.

PROPOSERS: Supporters say that the bill clarifies and re-establishes traditional common law principles of liability for business owners. Under the common law, third-party liability for the criminal acts of others is extremely limited. The bill allows third-party liability only when business owners know of specific threats or when they do not take steps to prevent torts or crimes where similar bad acts have recently occurred. Insurance against civil liability is very expensive and businesses and churches often spend large sums of money to guard against the criminal acts of others if liability is not restricted.

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

OPPOSERS: Those who oppose the bill say that reasonable foreseeability should remain the standard with no provision regarding recent or similar crimes. The bill effectively abolishes premises liability actions against owners who allow crime to occur on their property.

Testifying against the bill was Joe Taylor.