

HB 252 -- BUSINESS PREMISES SAFETY ACT

SPONSOR: Cox

COMMITTEE ACTION: Voted "do pass" by the Committee on General Laws by a vote of 8 to 5.

This bill 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 on the premises that pose imminent probability of 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. The term "business" will not include commercial residential operations such as, but not limited to, hotels, motels, and apartment complexes.

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.

PROponents: Supporters say that retailers and merchants need clarification as to when they are liable for acts of third parties. Courts have taken the prior principles of torts and altered it somewhat leading to much confusion.

Testifying for the bill were Representative Cox; Missouri Retailers Association; Missouri Chamber of Commerce and Industry; National Federation of Independent Business; and Missouri Family Network.

OPponents: Those who oppose the bill say that it will cause problems for businesses, specifically in regard to the "same criminal acts" language in the bill. Currently, there is no duty to act unless crime activities are foreseeable. Foreseeing a crime would then require abatement and prevention.

Testifying against the bill was Joe Taylor, Missouri Association of Trial Attorneys.