

HB 909 -- Landowner Liability Relating to Trespassers

Sponsor: Higdon

This bill changes the laws regarding a landowner's liability relating to an individual trespassing on the owner's land. In its main provisions, the bill:

(1) Defines "trespasser" as any person who enters on the property of another without express or implied permission or invitation regardless of whether actual notice of trespass was given or the land was posted according to state laws; and

(2) Specifies that a landowner owes no duty of care to a trespasser and is not subject to liability for any injury or death to a trespasser except:

(a) If the injury or death is intentionally caused by the landowner, except when the landowner is using reasonable force to repel a trespasser who has entered the land or building with the intent to commit a crime;

(b) When the trespasser is 16 years of age or younger and additional specified circumstances exist;

(c) If under certain specified circumstances the landowner knows, or should know, that trespassers consistently intrude upon a limited area of the owner's land; or

(d) In certain specified circumstances where the landowner knows that the person is trespassing.