

HB 1326 -- BUSINESS PREMISES SAFETY ACT

SPONSOR: Cox

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

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 there is reasonable foreseeability that they will 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" does 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 2013, FY 2014, and FY 2015.

PROponents: Supporters say that the courts over the past years have significantly extended business owners' tort liability for the criminal actions of a third person. The bill returns the standard to that of foreseeability, which is a good balance in protecting all parties involved.

Testifying for the bill were Representative Cox; Missouri Retailers Association; Abram Messer, Missourians for Personal Safety; Missouri Chamber of Commerce and Industry; and National Rifle Association - Institute for Legislative Action.

OPponents: Those who oppose the bill say that businesses should have a duty to use reasonable care under the present circumstances. The bill is an attempt to insulate businesses from being required to do so.

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