

FIRST REGULAR SESSION

HOUSE BILL NO. 300

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOON.

0735H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to liability for concealed firearm exclusion in certain locations.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 571, RSMo, is amended by adding thereto one new section, to be known as section 571.068, to read as follows:

571.068. 1. Any business enterprise authorized to post signs on property prohibiting the possession of a concealed firearm by a person authorized to carry a concealed firearm under sections 571.101 to 571.121 shall assume absolute custodial responsibility for the safety and defense of the endorsement or permit holder while such person is on the premises of the business enterprise and on any property owned by the business enterprise that the endorsement or permit holder is required to traverse in order to travel to and from the location where the endorsement or permit holder's firearm is stored. The provisions of this section shall not apply to private property not used for commercial purposes or to private residences of any type. For purposes of this section, "business enterprise" means any business that sells or provides goods or services to the general public.

2. The responsibility of the business enterprise for the safety and defense of the endorsement or permit holder shall extend to the conduct of other invitees, trespassers, or employees of the business enterprise.

3. (1) Any firearm carry endorsement or permit holder who is injured, suffers bodily injury or death, incurs economic loss or expense, property damage, or any other compensable loss as a result of the conduct occurring on property where signs are posted

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 prohibiting concealed firearms shall have a cause of action against the business enterprise
19 posting such signs so long as such person is an invitee on such property. In addition to
20 damages, such person shall be entitled to reasonable attorney's fees, expert witness costs,
21 and other costs necessary to bring the cause of action.

22 (2) The statute of limitations for an action under this subsection shall be two years
23 from the date of the occurrence giving rise to the damages, loss, or injury.

24 4. Any notice or sign prohibiting concealed firearms on the property shall also
25 contain language citing the provisions of this section and stating that any endorsement or
26 permit holder on the posted property is under the custodial responsibility of the business
27 enterprise.

28 5. To prevail in an action brought under this section, the plaintiff shall show by a
29 preponderance of the evidence that:

30 (1) The plaintiff was authorized to carry a concealed firearm under sections
31 571.101 to 571.121 at the time of the incident giving rise to the action;

32 (2) The plaintiff was prohibited from carrying a concealed firearm on the property
33 where the incident occurred because signs were posted prohibiting concealed firearms on
34 the property;

35 (3) The property was not required to post signs prohibiting concealed firearms on
36 the property by state or federal law but was posted by choice of the defendant; and

37 (4) The business enterprise's prohibition on carrying concealed firearms or other
38 arms was the proximate cause of the damages, loss, or injury suffered by the plaintiff.

39 6. This section shall be liberally construed to effectuate its purpose.

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