

CCS HCS SS SB 608 -- LIABILITY OF PROPERTY OWNERS

Currently, a land owner is not liable for the death or injury of a trespasser, when the trespasser is substantially impaired by alcohol or illicit controlled substances, unless the land owner acted with negligence or willful and wanton misconduct. This bill amends the law so that the property owner may be held liable only for willful and wanton misconduct which is the proximate cause of injury to a trespasser (Section 537.349, RSMo).

This bill creates the "Business Premises Safety Act," which provides that a business has no duty to guard against criminal or harmful acts occurring on the business's premises unless the business knows or has reason to know that such acts are being committed or are reasonably likely to be committed in a particular area of the premises, and there is sufficient time to prevent such injury. If the business had a duty to guard against criminal or harmful acts, the business can claim the following as affirmative defenses:

- (1) The business has implemented reasonable security measures;
- (2) The claimant was a trespasser, or attempting to or committing a felony; and
- (3) The acts occurred while the business was closed.

Subsequent remedial measures are not admissible to show negligence or the feasibility of security measures (Sections 537.785 and 537.787).