

SECOND REGULAR SESSION

HOUSE BILL NO. 1457

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

3722H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to firearms.

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 571.069, to read as follows:

571.069. 1. Any business that elects to prohibit the lawful possession of firearms or other weapons on its premises by posting a sign described under section 571.107 or by another method authorized under chapter 571 shall assume responsibility for the safety and defense of any invitee who is authorized to possess a firearm under Missouri law while the invitee is on the premises of the business. The provisions of this section shall not apply to private property not used for commercial purposes or private residences of any type.

2. Notwithstanding any other provision of law, the requirement to ensure the safety and defense of invitees under subsection 1 of this section shall include a mandatory and explicit duty to defend against the intentional or reckless conduct of a third party including, but not limited to, trespassers, employees, customers, or other invitees of the business. The requirement shall also include a duty to defend against vicious animals and wild animals. The duty to defend under this section shall apply only to the defense against conduct that could reasonably have been prevented by the use of lawfully-possessed firearms or other weapons in lawful self-defense. If a business restricts the lawful possession of firearms or other weapons, such business shall post, together with the sign required under section 571.107, notice stating that persons authorized to carry firearms or other weapons under chapter 571 are under the responsibility and protection of the business.

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.

19 **3. If an invitee who is authorized to carry a firearm under Missouri law is injured,**
20 **suffers bodily injury or death, incurs economic loss or expense, or suffers property damage**
21 **as a result of a business breaching the duty to ensure the safety or defense of the invitee,**
22 **the invitee shall have a cause of action against a business.**

23 **4. The standard of proof for tort actions under this section shall require a plaintiff**
24 **to show by a preponderance of the evidence that:**

25 **(a) The plaintiff was legally authorized to carry a firearm under Missouri law;**

26 **(b) The plaintiff was lawfully prohibited from carrying firearms or other weapons**
27 **by reason of a sign posted by a business under section 571.107 or other method authorized**
28 **under chapter 571;**

29 **(c) The business was not required to prohibit firearms or other weapons under**
30 **state or federal law or by a rule or policy enacted by a political subdivision or the state**
31 **contracting with such business entity; and**

32 **(d) The business's prohibition of lawfully possessed firearms or other weapons was**
33 **the proximate cause of the damages, loss, or injury suffered by the plaintiff.**

34 **5. If a plaintiff is successful in a lawsuit under this section, the plaintiff shall be**
35 **entitled to reasonable attorney's fees, expert witness costs, and court costs.**

36 **6. The statute of limitations for an action under this section shall be two years from**
37 **the date on which the damages, loss, or injury occurred.**

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