

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1383

94TH GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety March 31, 2008 with recommendation that House Committee Substitute for House Bill No. 1383 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules April 8, 2008 with recommendation that House Committee Substitute for House Bill No. 1383 Do Pass with no time limit for debate.

Taken up for Perfection April 22, 2008. House Committee Substitute for House Bill No. 1383 ordered Perfected and printed.

D. ADAM CRUMBLISS, Chief Clerk

3571L.02P

AN ACT

To amend chapter 537, RSMo, by adding thereto three new sections relating to business premises safety.

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

Section A. Chapter 537, RSMo, is amended by adding thereto three new sections, to be known as sections 537.785, 537.786, and 537.787, to read as follows:

537.785. 1. This act may be referred to and cited as the "Business Premises Safety Act".

2. As used in sections 537.785 to 537.787, the following terms mean:

(1) "Business", any commercial or agricultural enterprise including, but not limited to, sales, services, manufacturing, food service, property management or leasing company, or any other entity, whether for profit or not for profit, which owns, operates, or leases property to which persons are invited or permitted to visit;

(2) "Person", any individual other than an employee or agent of the owner or occupier of the property in question;

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.

10 (3) "Injury", any personal injury including, but not limited to, physical injury,
11 sickness, disease, or death and all damages resulting therefrom including, but not limited
12 to, medical expenses, wage loss, and loss of service;

13 (4) "Criminal act", those offenses specified under chapters 565 to 571, RSMo, that
14 have resulted in injury;

15 (5) "Intentional act", an act done with the object to cause injury.

537.786. 1. An owner or operator of a business shall not restrict any person from
2 lawfully possessing a firearm in a motor vehicle in possession of such person except a
3 motor vehicle owned or leased by such business.

4 **2.** Any individual may bring a civil cause of action to enforce this section.

537.787. 1. There is no duty upon the owners or operators of a business,
2 individually or collectively, or upon merchants or shopkeepers, to guard against the
3 criminal act of a third party unless:

4 (1) They know or have reason to know that acts are then occurring or are about to
5 occur on the premises that pose imminent probability of injury to a person; or

6 (2) The same criminal acts have occurred on the premises within the prior twenty-
7 four months such that there is substantial foreseeability that such action will occur again.
8 If either of these conditions are met, a duty of reasonable care to protect against such acts
9 shall arise.

10
11 A business is not to be regarded as the insurer of the safety of its customers and has no
12 absolute duty to implement security measures for the protection of its customers. Any
13 measures implemented shall be determined by considering both the magnitude of the
14 burden to the business in implementing security measures and the substantial
15 foreseeability of the injury to be prevented.

16 **2.** Any person injured by the criminal conduct of another shall have the burden to
17 prove that the breach of the owner's duty created by this section caused or contributed to
18 cause any injury sustained as a result of the intentional or criminal act of any person.

19 **3.** In the case of past criminal activities, remedial action to provide protection to
20 customers shall not be admissible in evidence to show prior negligence or breach of a duty
21 of a business in any action against the business for damages.

22 **4.** An owner or operator of a business shall not be liable for any injury or damage
23 resulting from his or her compliance with section 537.786.

✓