

SECOND REGULAR SESSION

# HOUSE BILL NO. 2538

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHROER.

5142H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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*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  
2 known as section 571.069, to read as follows:

**571.069. 1. Any business that elects to prohibit the possession of firearms or  
2 other arms on its premises by posting a sign described under section 571.107 or by  
3 another method authorized under chapter 571 shall assume custodial responsibility for  
4 the safety and defense of any person who is authorized to carry firearms or other arms  
5 under chapter 571 while the person is on the premises of the business. The provisions of  
6 this section shall not apply to private property not used for commercial purposes or  
7 private residences of any type. As used in this section, "business" means any business  
8 that sells or provides goods or services to the general public.**

9 **2. Notwithstanding any other provision of law, the requirement to ensure the  
10 safety and defense of persons under subsection 1 of this section shall include a  
11 mandatory and explicit duty to defend persons authorized to carry firearms or other  
12 arms under chapter 571 against the intentional or reckless conduct of a third party  
13 including, but not limited to, trespassers, employees, customers, or other invitees of the  
14 business. The requirement to ensure safety and defense shall also include a duty to  
15 defend persons authorized to carry firearms or other arms against vicious animals and  
16 wild animals. The duty to defend such persons under this section shall apply only to the  
17 defense against conduct that could reasonably have been prevented by the use of arms in  
18 lawful self-defense. If a business restricts the possession of firearms or other arms, such**

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 **business shall post, together with the sign required under section 571.107, notice stating**  
20 **that persons authorized to carry firearms or other arms under chapter 571 are under**  
21 **the custodial responsibility of the business.**

22 **3. If a person authorized to carry firearms or other arms under chapter 571 is**  
23 **injured, suffers bodily injury or death, incurs economic loss or expense, or suffers**  
24 **property damage as a result of a business breaching the duty to defend such person, the**  
25 **person shall have a cause of action against the business prohibiting the possession of**  
26 **firearms or other arms under chapter 571.**

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

29 **(1) The plaintiff was authorized to carry firearms or other arms under chapter**  
30 **571;**

31 **(2) The plaintiff was lawfully prohibited from carrying firearms or other arms**  
32 **by reason of a sign voluntarily posted by a business under section 571.107;**

33 **(3) The business was not required to prohibit firearms or other arms under state**  
34 **or federal law or by a rule or policy enacted by a political subdivision or the state**  
35 **contracting with such business entity; and**

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

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

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

42 **7. Any business electing to allow invitees, employees, or other guests to lawfully**  
43 **possess firearms or other lawful weapons on its premises as authorized under section**  
44 **571.107, or other provisions of chapter 571, shall not be held liable for any bodily injury**  
45 **or death, economic loss or expense, property damage, emotional distress, or other injury**  
46 **any person suffers while such person is on the premises of the business unless the**  
47 **business, or an owner or agent thereof, acted purposely, with consent or knowledge by**  
48 **the business, in committing or assisting in committing the act that caused such injury.**

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