

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1637, Page 1, Section 570.212, Line 11, by inserting after all of said
2 section and line the following:

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

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

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

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

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

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

Action Taken _____ Date _____

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

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

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

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

10 7. Any business electing to allow invitees, employees, or other guests to lawfully possess
11 firearms or other lawful weapons on its premises as authorized under section 571.107, or other
12 provisions of chapter 571, shall not be held liable for any bodily injury or death, economic loss or
13 expense, property damage, emotional distress, or other injury any person suffers while such person
14 is on the premises of the business unless the business, or an owner or agent thereof, acted purposely,
15 with consent or knowledge by the business, in committing or assisting in committing the act that
16 caused such injury."; and

17
18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.