

Premises Liability Issues and Reducing Risk

Goals of this Worksheet:

- How to determine liability based on the status of the entrant
- Identifying issues that you may face on your property
- What are some of the ways that you can limit your liability

Premises liability deals largely with negligence which has four elements:

Duty of Care

Your responsibilities as a land owner; different in each situation
Typically the “reasonable person” standard
Duty of Care changes with the person

Breach of Duty

A failure on your part regarding your responsibilities
Causation
Your failure caused the “injury”

Damages

There must be an actual harm that can be redressed

The status of the person on your land determines your “duty of care.”

Trespasser (2 types – Unknown and Known)

Unknown – no duty of care
Known – duty to do no harm

Licensee

Higher duty of care than trespasser, social guests
Do no harm and warn of hidden dangers

Invitee

Highest duty of care, people on your property for business purposes
Duty to use ordinary care to keep the premises “reasonably” safe



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Give some examples of a trespasser, a licensee and an invitee that you might come across in your business venture? How could this status change while the person is on your property?

What are some of the types or classes of business invitees that you expect to have on your operation?

- Hunters
- Fishermen
- Hikers
- Bird watchers
- Paddlers
- Campers
- ATV Riders
- Horseback Riders
- Children
- Elderly
- Handicapped
- Others; please list them below

Identify the issues that you may face on your property. What unique challenges does your enterprise create and what about issues that are directly related to property that you will use such as snakes, dirt roads, ponds and other potential pitfalls?

- Lake
- Swimming Pool
- Cliffs
- Streams
- Sand bar
- Wildlife (snakes, bees, etc.)
- Farm equipment
- Old Buildings
- Traffic
- Road Conditions
- Holes or ditches
- Barbed wire fences
- Others; please list

What are some steps that you as a business owner can take in the beginning to limit these potential liability issues? Think about the possible steps that we discussed during this session and list other steps that you feel might be helpful?
