

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0263-01  
Bill No.: SB 3  
Subject: Business and Commerce; Civil Procedure; Crimes and Punishment; Liability  
Type: Original  
Date: January 23, 2009

---

Bill Summary: The proposal creates the “Business Premises Safety Act.”

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Insurance Dedicated	\$0 to \$26,200	\$0	\$0
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0 to \$26,200</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

ASSUMPTION

Officials from the **Department of Economic Development, Department of Public Safety – Director’s Office**, and the – **Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed within existing resources.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Insurance, Financial Institutions, and Professional Registration (DIFP)** estimate up to 524 insurers (2007 supplemental data reports) that write commercial insurance coverage would submit amendments to their policies to clarify coverage or exclusion of these acts. Policy amendments must be submitted to the DIFP for review along with a \$50 filing fee. One-time additional revenues to the Insurance Dedicated Fund are estimated to be up to \$26,200.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
<b>INSURANCE DEDICATED FUND</b>			
<u>Revenues</u> – Department of Insurance, Financial Institutions, and Professional Registration			
Filing fees	<u>\$0 to \$26,200</u>	<u>\$0</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON INSURANCE DEDICATED FUND</b>	<b><u>\$0 to \$26,200</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposal creates the “Business Premises Safety Act.” The proposal provides that a business owners or operators shall not restrict any person from lawfully possessing a firearm in a motor vehicle, except for a motor vehicle owned or leased by such business.

The proposal also provides that business owners or operators have no duty to guard against the criminal acts of a third party, unless they know or have reason to know that the criminal acts are occurring or are about to occur on the premises, or if the same criminal acts have occurred on the premises within the prior 24 months.

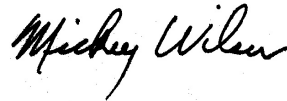
A business also has no duty to implement security measure for the protection of its customers, but shall determine if such measures shall be implemented by considering the magnitude of the burden to the business and the foreseeability of the injury to be prevented. If past criminal activities have occurred, evidence of remedial action shall be inadmissible to show prior negligence.

Business owners or operators shall not be liable for injury or damage resulting from compliance with the provisions of this act.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General  
Office of State Courts Administrator  
Department of Economic Development  
Department of Insurance, Financial Institutions, and Professional Registration  
Department of Public Safety  
– Missouri State Highway Patrol  
– Director's Office



Mickey Wilson, CPA  
Director  
January 23, 2009