



What is Premise Liability?

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Premise liability is a legal doctrine that holds property owners and residents liable for accidents and injuries that occur on their property due to unsafe conditions. This area of law emphasizes the responsibility of property owners to maintain a safe environment for visitors, which can include customers, guests, and even trespassers in certain situations. Understanding premise liability is crucial for both property owners and those who may be injured on someone else's property, as it can have significant implications for legal rights and financial responsibilities.

At the heart of premise liability lies the concept of "duty of care." Property owners have a legal obligation to ensure that their premises are safe for visitors. This duty varies depending on the status of the visitor. For instance, invitees (individuals invited onto the property for business purposes) are owed the highest duty of care. Property owners must regularly inspect their premises for hazards and take appropriate action to remedy any dangerous conditions. This could involve fixing broken stairs, removing ice from walkways, or adequately lighting dark areas. If a property

owner fails to fulfill this duty and someone is injured as a result, they may be held liable for damages.

The second category of visitors are licensees, who enter the property for their own purposes, such as social guests. Property owners still owe them a duty of care, but it is less stringent than that owed to invitees. For example, property owners must warn licensees about known dangers that are not obvious. If a homeowner knows about a loose floorboard but does not inform a visiting friend, they could be held liable if that friend gets injured by stepping through the floor.

Trespassers, who enter without permission, generally have the least protection under premise liability law. However, property owners cannot be grossly negligent or intentionally harm trespassers. For instance, if a property owner sets a trap to harm intruders, they could be liable for any injury caused by that trap. Additionally, many jurisdictions have "attractive nuisance" laws, which protect children who may be injured on a property because of hazardous conditions that may attract them, such as swimming pools or construction sites.

To establish a premise liability claim, the injured party must typically prove four components: the existence of a dangerous condition, the property owner's knowledge (or reasonable belief) of that condition, a failure to remedy the situation or provide warnings, and direct causation linking the dangerous condition to the injury sustained. A forensic expert in premise liability, especially a Civil Engineer who has expertise in property conditions including but not limited to grading, drainage, site, sidewalk and roadway design, construction and maintenance, and building design, can identify dangerous conditions, perform the forensic research to opine on the property owner's knowledge of the condition, the lack of remedial actions or warnings, and provide an unbiased fact based narrative of the property owner's duty, breach, cause, proximate cause, and the harm caused by the resulting dangerous condition.