

Who Are We, We Are PLT: Premises Liability of Trespassers

What is a premises liability? It refers to the responsibility a landowner has to another person who gets injured or even killed on his private property. It covers everything from a child who drowns in a hot tub, to a trespasser tripping while entering a house. The degree of liability a landowner has towards the injured person depends on the reason the injured person was on his property.

There are three classifications of visitors on a person's property: trespasser, licensee, and business invitee. A trespasser is an uninvited person without the owner's consent. A landowner owes more duty towards a trespassing child's injury than a trespassing adult's injury. A licensee is a person who is on private property as a guest or a visitor. A landowner obviously owes a licensee or guest more responsibility or duty if injured on his property than that of a trespasser. A business invitee is someone on privately owned property that will be benefiting the owner. Customers at Wal-Mart or K-Mart, a personal babysitter, or maid are examples of invitees benefiting the landowner. An owner owes the highest duty to business invitees than trespassers and licensees.

There are many scenarios and situations that could occur involving trespassers, licensees, or invitees and with the landowner home or away. The situations that Premises Liability of Trespassers, (PLT), focuses on are the premises liabilities of homeowners towards injured trespassers. Especially those cases when the trespasser is seeking to harm a person or steal items on the homeowner's property.

If a person trespasses onto another person's land, and "slip and fall" – the generic term for a person's injury on another person's property due to dangerous or hazardous conditions – the landowner may be held liable for that person's injuries. Such cases include water, ice, snow, and abrupt changes in flooring, poor lighting, or hidden hazards such as gaps or holes. The landowner can be held liable regardless of the intruder's purposes. For example, if a burglar trespassed onto a person's private property and got caught up in loose fencing lying to the side of the fence, regardless of how far away from the house it lies, with no warning signs the trespasser could sue the landowner for negligence. Amazingly, the trespasser will more than often win these cases. Leaving the innocent landowner, whether he was home or away at the time of the incident, responsible to pay for the burglar's injuries caused to him while *trespassing* onto private property, in order to steal personal belongings.

The system of "fair" and equal rights for all does not entail giving rights to criminals that are unjust to innocent citizens. PLT will guarantee the public's constitutional rights to be safe at all times. Burglars or killers attack too often nice and innocent citizens because their kindness is taken advantage of. Why should a criminal seeking to harm a person or his family or take his personal property be compensated just because the criminal hurt himself in the process of breaking and entering? A person should not have to put up warning signs on his own privately owned property. Trespassers should not be there in the first place, so it is their fault if injuries occur to them. Landowner liability is understandable for injuries to licensees, invitees or children due to negligence on the landowner's part. But why reward unlawful people for something that occurred while they were breaking the very laws established in the United States Constitution? That is what I call *injustice*. PLT is ready to protect landowners who fall into these expensive and unjust situations.