

HOUSE BILL NO. 4582

June 10, 2025, Introduced by Reps. Neyer, Slagh, Pavlov, Martin, Rigas, Beson, Alexander, Roth and Bruck and referred to Committee on Judiciary.

A bill to provide for the liability of possessors of real property for injuries to invitees.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "commercial premises
2 liability act".

3 Sec. 2. As used in this act:

4 (a) "Invitee" means an individual who is invited, expressly or
5 impliedly, to enter or remain on premises for a commercial benefit
6 to the possessor of the premises or for a purpose directly or
7 indirectly connected with business dealings with the possessor. An
8 invitation may be express or implied.

1 (b) "Open and obvious" means the condition is known to the
2 invitee or the condition would have been discovered by a reasonably
3 careful person on casual inspection under the circumstances.

4 (c) "Owner" means a person that holds legal or equitable title
5 to premises.

6 (d) "Person" means an individual or a partnership,
7 corporation, limited liability company, association, or other legal
8 entity.

9 (e) "Possessor" means any of the following:

10 (i) A person that is in occupation of the premises with intent
11 to control it.

12 (ii) A person that has been in occupation of the premises with
13 intent to control it, if no other person has subsequently occupied
14 the premises with intent to control it.

15 (iii) A person that is entitled to immediate occupation of the
16 premises, if no other person is a possessor as described in
17 subparagraphs (i) and (ii).

18 (f) "Premises" means real property.

19 Sec. 3. Subject to sections 4 and 5, a possessor has a duty to
20 use ordinary care to protect an invitee from risks of harm from a
21 condition on the possessor's premises if both of the following
22 apply:

23 (a) The risk of harm is unreasonable.

24 (b) The possessor knows or should know of the condition and
25 should realize that the condition involves an unreasonable risk of
26 harm to an invitee. For purposes of this act, a possessor should
27 know of a condition if, in the exercise of ordinary care
28 considering the character of the condition and whether the
29 condition has existed for a sufficient length of time, a possessor

1 exercising ordinary care would discover the condition.

2 Sec. 4. (1) Subject to subsection (2) and section 5, a
3 possessor owes no duty to protect an invitee from, or warn an
4 invitee of, risks of harm from an open and obvious condition on the
5 possessor's premises.

6 (2) Subject to section 5, a possessor must take reasonable
7 precautions to avoid any risk presented by any special features of
8 a condition that is open and obvious that make the condition
9 effectively unavoidable or create an unreasonably high risk of
10 severe harm.

11 Sec. 5. (1) This act does not do any of the following:

12 (a) Affect or impair any defense that may be available to the
13 owner or possessor of premises under any other law.

14 (b) Create a duty of care of an owner that is not also a
15 possessor of the premises.

16 (c) Impair comparative fault under section 2955a or 2959 of
17 the revised judicature act of 1961, 1961 PA 236, MCL 600.2955a and
18 600.2959, or under other law of this state.

19 (2) This act does not apply to a condition that is inside a
20 building or other structure on the premises.