

Howard B. Segal Clarifies Premises Law

Five Questions & Answers About “Slip And Fall”



Slip and fall accidents are some of the most common cases covered under Premises Liability law, which determines how much responsibility should be assigned to the owner of the property on which the accident occurred. Here are five commonly asked, but not so commonly answered, questions about slip and fall personal injury cases.

1. What types of slip and fall accidents are covered by premises law?

Premises liability covers personal injuries caused by by wet floors in grocery stores, restaurants and malls; uneven pavement; unregulated staircases; loose handrails, etc. These personal injuries most commonly involve the spinal cord, neck, shoulder, back, knee(s) and/or ligaments.

2. What could the property owner be held responsible for?

If the property owner is found liable for the incident, he or she could potentially be held responsible for your pain and suffering, lost wages and medical bills. Also, keep in mind that premises liability law not only applies to business owners, but also to homeowners' properties.

3. How do I know if my case is eligible?

It must first be determined whether or not the owner of the property was negligent, or careless, in either fixing the situation or warning visitors of the potential hazard. For example, you may be in a grocery store and see an aisle with a wet floor. If there is no visible sign that indicates the wetness of the floor, the owner has been inattentive to the situation. If an entire aisle has wet floors, signs should be posted (at least) at every aisle entrance to ensure customer awareness of the potential hazard.



However, whether or not the owner is careless is also dependent on whether or not the visitor is welcome. If the visitor is trespassing on the property, the owner does not have as much obligation for any injuries obtained. That being said, they also cannot purposely inflict harm on trespassers. Children are owed a higher duty of care from the owner in any given situation.

Here are the three main categories that plaintiffs fall into, from highest to lowest duty of care:

- **Invitee**

This is a person who is invited to enter or remain on the premises, either for a commercial benefit to the possessor of the premises or for a purpose relating to business dealings with the possessor.

For example, a customer in a store is an invitee because the owner of the store invites the public to enter the premises and purchase products.

A possessor of land or premises owes the highest duty of care to a plaintiff who is determined to be an invitee. Certain possessors may have duties, sanctioned by law, to periodically inspect the premises for potential hazards to invitees ~ for instance, a grocery store must check its floors frequently for spills and make sure products are stable on shelves.

- **Licensee**

This is someone who is invited to enter or remain on the premises for any purpose *other than business or commercial intent* and with the express or implied permission of the premises owner.

For example, a social guest at another person's house would be a licensee.

For the premises possessor to be considered liable for physical harm inflicted on a licensee by a condition on his or her premises, all *three* elements must be established:

- The possessor must have or should have known about the condition, should have realized that it would pose an unreasonable risk of harm and should have expected that the licensee would not realize the danger
- The possessor failed to exercise reasonable care to make the condition safe *or* to warn the licensee of the risk involved
- The licensee did not know or have reason to know of the dangerous condition and risk involved



Here's a good example: If a homeowner is aware of a broken step on his or her property, but this step does not outwardly appear to be broken to a reasonably observant person, that homeowner will likely be held liable for an injury caused by the broken step.

- **Trespasser**

This is a person who enters the premises of another without an express or implied invitation and for personal motives, not for a duty to the owner.

Possessors typically don't have a duty to warn trespassers of dangers on the premises. However, if a premises owner is aware of trespassers' presence on his or her property, the owner may be obliged to protect the safety of trespassers with reasonable care, like a warning sign.

4. What's the difference between premises liability and workers' compensation?

As explained above, premises liability covers injuries from dangerous conditions on a specific property, holding the property owner responsible. Workers' compensation, on the other hand, covers injuries obtained on the job that prevent you from working for a period of time. If you choose to take workers' compensation, you waive your right to sue your employer for negligence.

However, the injured person who takes workers' compensation is eligible for an additional premises liability claim if some type of third-party negligence inflicted the injury. For example, if a construction worker were injured on the job because of a faulty ladder, he or she would be eligible for workers' compensation and may also have a lawsuit against the manufacturer of the ladder company.

5. What do I do if I think I may be eligible for a premises liability suit?

Whatever injury you may have incurred, there is only one way to determine with 100% certainty what you may or may not be eligible for ~ and that is to contact a personal injury lawyer who steers you in the right direction and fights for what you deserve.



To learn more about Howard B. Segal's unique approach to personal injury litigation – guiding you with clear instruction, professional expertise and compassionate support – visit him online at www.howardbsegal.com. To reach Howard directly or speak with a member of his firm, call 484.450.9660 or toll free at: 1.866.403.8483.