

# PREMISES LIABILITY IN ARKANSAS

*Individuals injured on someone else's property may be entitled to monetary compensation for medical bills, lost wages, loss of income, pain, and emotional suffering*



**Wesley A. Cottrell**

Property owners have specific legal obligations to individuals who come on their property, including keeping their property, as well as the buildings situated on their property, safe for authorized visitors and anyone on the premises for business purposes. If a property owner fails to meet these obligations, personal injuries may result. Slip and fall, and tripping accidents continue to be some of the most common types of personal injury cases in the United States. The area of law relating to these types of injuries is known as “premises liability.”

In many cases, a slip, trip, or fall accident is caused by a wet, slippery, or uneven surface. When the surface that caused the fall was not kept reasonably clean or safe, the property owner can be liable for the negligent maintenance of that area. However, slip and fall accidents are not the only cause of injury in premises liability cases. Injuries sometimes result from negligent security or safety measures on the premises, as well.

## **Who is Responsible for Premises Liability Claims?**

Usually, it is the property owner that will be held responsible for injuries caused by negligent maintenance of the property. But it is not always that clear cut. On occasion, determining who is at fault can be more complex. For example, there may be a situation, when commercial property is involved, where the property is actually leased to a business tenant and the property owner does not control the property. Similarly, with rental property, responsibility may be shared by the landlord and the tenant.

## Types of Premises Liability Cases

It may be foreseeable that building materials, such as wood staircases or brick walkways, need regular maintenance and repair. If a building owner fails to perform regular inspections and maintain the premises in a safe condition, the owner may be held liable for injuries.

In some cases, the responsible party may have created the dangerous condition. For example, a store employee who washes the floor, but does not dry it properly, or place wet floor signs in the area, can create liability for the store owner. Store owners also have a duty to regularly inspect and clean up the spill. Another type of premise liability case arises where a person is injured by the intentional, criminal acts of a third party while on another's property. A landowner typically does not have a duty to protect individuals from criminal acts committed by third persons. However, in some situations, a special relationship may exist that creates that duty.

### Outdoor surface hazards

Sidewalk maintenance is critical in preventing slip and fall injuries. Regular periodic inspections of sidewalks should be conducted, and any poor conditions corrected as soon as possible. Sidewalks should be free of cracks and potholes,



which can create tripping hazards. Gravel and rocks make the walking surface very unstable. The same is true for driveways and parking lots.

In areas where ice and snow are common, those wintery conditions can pose a problem. Generally speaking, the law does not require a property owner or occupant to continually remove ice or snow that may accumulate as a result of weather. However, when the conditions are a result of an unnatural accumulation of ice or snow, resulting in a failure to reasonably remove it, then the property owner may be liable.

## Indoor hazardous conditions

Dangerous conditions, including torn carpeting, changes in the type of flooring, poor lighting, narrow stairways, or a wet floor are also common causes of slip and fall accidents. Stairs can wear out from continued use, and the edges may become rounded or smooth, causing people to slip. Also, stairs or floors that have been waxed or polished are often dangerous to pedestrians.



Certainly, premises owners will need to clean and wax floors periodically. However, if they fail to provide adequate warnings that the floor is being cleaned and is still wet or fail to

close off an area that is wet, when possible, there may be liability. The same is true for floor waxing.

## **Premises Liability cases may result in significant damages**

Common injuries in premises liability cases include, broken or fractured bones, sprains, and other soft tissue injuries. In more serious cases, injuries may include traumatic brain injuries, head or spinal cord injuries and wrongful death. Fortunately, individuals injured on someone else's



property may be entitled to monetary compensation for medical bills, lost wages, loss of income, pain, and emotional suffering.

If you or someone you know has suffered an injury while lawfully on someone else's property, contact the experienced premises liability attorneys at the [Cottrell Law Office](#) to discuss your options.

## About the Author



### Wesley A. Cottrell

Wesley A. Cottrell has been successfully practicing law for over 29 years. Born in Springdale, Arkansas and raised in Baxter Springs, Kansas, Wes is licensed to practice law in Arkansas, Kansas, Missouri, and Oklahoma.

Wes earned his B.A. from Pittsburg State University in 1981 and his J.D. from the Washburn University School of Law in Topeka, Kansas in 1985. He was admitted to practice law in Kansas in 1986, in Missouri in 1987, in Arkansas in 1989, and Oklahoma in 1993.

He is licensed to practice law in the United States District Court for the District of Kansas, eastern Arkansas, western Arkansas, and western Missouri. He was Deputy Prosecuting Attorney in Crawford County, Kansas from 1987-1989.

Wes lives in Rogers, Arkansas with his wife, Shelly, and their two daughters, Kennedy and Gabby. He is active in his community, and is regularly asked to teach courses to other attorney on personal injury and workers' compensation litigation.

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