

## Premises Liability in North Carolina

By David A. Senter



### ***What is Your Responsibility in Making Sure Your Property is Safe For Others?***

In North Carolina, the general rule is that a property owner owes lawful visitors a duty to exercise ordinary care and maintain the property in a safe condition, and to warn of any hidden dangers that have been, or could have been, discovered by a reasonable inspection.

While an owner is not an “insurer” of the premises, the owner does have a duty to keep in reasonably safe condition, those portions of its premise that the owner may expect will be used by customers during business hours.

### ***What Must be Proven in Order for the Property Owner to be Held Liable in a Slip & Fall Case?***

A plaintiff must prove that the property owner negligently created the condition causing the injury OR that the owner negligently failed to correct the condition after actual or constructive notice of its existence.

## PRACTICAL POINTERS

Actions to Take Immediately After an Incident Occurs:

### **Communicate with Customer**

- ✓ Show compassion.
- ✓ Evaluate the customer’s condition.
- ✓ Call medical personnel, if necessary.
- ✓ Obtain statement and identifying information.

### **Assess the Location of Incident**

- ✓ Verify the last time the area in question was cleaned, inspected, etc.
- ✓ Take photographs.

### **Complete an Incident Report**

- ✓ Include facts only. Avoid commentary.
- ✓ Separate notes to Risk Management, if appropriate.
- ✓ Identify all employees that witnessed or have knowledge of the incident.



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