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'Concealed carry' is law: So now what for property owners?

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By: Andrew Scott July 25, 2013

After a federal lawsuit, 11th-hour passage of legislation, a gubernatorial veto and an override of that veto, Illinois recently **joined the rest of the country** with the passage of the Firearm Concealed Carry Act. Illinois now allows citizens to carry concealed firearms.

This new law has implications for building owners, landlords, and tenants. The work is just beginning for many businesses and property

owners as they adopt or alter policies regarding firearms on their premises. Here's what the new law means for each affected group.

Building owners

Building owners have the authority to prohibit people from entering their property with a concealed firearm. To exercise this right, building owners "must post a sign . . . indicating that firearms are prohibited on the property." Signs that say the carrying of firearms is prohibited must be "clearly and conspicuously posted" at the entrance of a building, premises or property where it is prohibited. The Illinois State Police is charged with adopting rules and standards for these signs. Building owners should also consider the implications of posting signs. If they prohibit firearms and then do not enforce the rules, are they opening themselves up to additional liability?

Landlords and tenants

Do landlords want to prohibit the concealed carrying of firearms on their property and in their buildings? If they do, then they should consider what policies to adopt and where to post the signage to prohibit it. Landlords should review their standard lease rules and regulations to ensure that they implement the concealed carry policies. Even though Illinois is the last state to permit concealed carry of firearms, the new law may be a good opportunity to review standard lease provisions in other states.

Tenants also should review lease rules and regulations to ensure that they know their obligations with respect to their premises. Tenants also want to be sure that a landlord's concealed carry policies are consistent with those of the tenant. If they aren't, then it may be time to talk to your landlord.

Property managers

Are you a property manager for an out-of-state owner of real estate? If so, now would be a good time to consult with those owners to be sure that they are aware of their rights and obligations under this new law. Property managers should also review their own internal policies to ensure that they are properly implementing the policies of their clients.

Businesses serving alcohol

The new law also imposes a new obligation on businesses that make a substantial portion of their revenues from the sale of alcohol. The law prohibits people from carrying a concealed firearm into "any building, real property, and parking area under the control of an establishment that serves alcohol on its premises, if more than 50 percent of the establishment's gross receipts within the

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prior three months is from the sale of alcohol." And, if the owner of this type of establishment knowingly fails to prohibit concealed firearms or knowingly makes a false statement about the prohibition, the person will face penalties of up to \$5,000.

Restaurant and bar owners should be aware of this new obligation not only because of the potential fines but also because of implications to their liability insurance coverage. For example, a restaurant owner's liability insurance may preclude coverage where someone is injured and the restaurant owner has not met its obligations under the new legislation.

These are some of the issues that may arise. The time to starting thinking about them is now: Issuance of concealed carry licenses is expected to start in early 2014.



Andrew Scott is a real estate lawyer at **Dykema Gossett PLLC** in Chicago.

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