

**SXSW 2016: Legal and Policy Issues for the Sharing Economy:  
Thinking About Legal & Ethical Responsibilities  
Based on Relationships to People and Property.**

- **3 Main Categories.** Invitees, Licensees, and Trespassers.
- **Invitees.** A person who is invited onto property for business reasons, and would include customers of a retail store and job applicants.
  - Property owners owe the **highest** degree of care to invitees to make sure they are safe from dangers on their property. Duties include:
    - repair and correct **known dangers**,
    - reasonably inspect for, discover, and **correct unknown hazards** (where an invitee might have access)
  - **Implications.** Could mean that the property owner or possessor (a business occupying the property) has a duty to take reasonable steps to ensure that the environment is safe for patrons.
    - Is this a business? What happens when it is “sharing”? How do we decide?
    - Law defines "reasonable" as what a person of ordinary intelligence and judgment would do under the same circumstances.
    - Q: What do we expect of platforms? A jury would decide what’s “reasonable.”
- **Licensees.** A licensee is someone allowed on a premises for social purposes, or for solely their own purposes.
  - Property owners are required to ensure that conditions are safe for licensees, but the level of care owed licensees is **lower than that owed to invitees.**
  - Take reasonable care for “known” hazards.
  - **No duty to inspect for unknown dangers** (like with invitees).
- **Trespassers.** A trespasser is someone who is not authorized to be on the property at issue.
  - Landowners are not obligated to protect trespassers who enter their property without permission, but they cannot willfully injure them.
  - If an owner knows, or should know, that there are frequent trespassers on his/her property, he will be liable for their injuries caused by an unsafe condition on the property if:
    - the condition is one the owner created or maintained;
    - the condition was likely to cause death or serious bodily harm;
    - the condition was such that the owner had reason to believe trespassers would not discover it; and,
    - the owner failed to exercise reasonable care to warn trespassers of the condition and the risk presented.
- **Trespassing Children.** Children who wander onto a property without authorization, property owners do have a duty to ensure that their property is safe (attractive nuisance?)
  - Property owner has a duty to inspect his/her property to see if there are any potentially dangerous conditions that might attract children and, if there are, act immediately to correct the unsafe condition(s).
  - A property owner may be liable for an injury to a trespassing child if he/she knew, or should have known, young children were likely to trespass in the area of a dangerous condition on the property that involved an unreasonable risk of bodily harm to children, of which risk young children would not be aware, and when the utility of the condition is small compared to the risk it represents.