

State	Visitor Classifications	Duties Owed to Visitors	Foreseeability Test	Liability Assignment	Relevant Cases and Statutes	Notes
Alabama	Trespasser: a person who enters upon the property without a privilege or consent of the landowner.	Trespasser: a landowner may be liable for a trespasser's injuries if the landowner either (1) wantonly or intentionally injures the trespasser; or (2) warn the trespasser of dangers known to the landowner after the landowner was aware of the danger to the trespasser.	Alabama Court utilize a totality of the circumstances test to determine to what extent the landowner knew or should have know about the likelihood of harm to the visitor. Thus, the test includes the totality of the circumstances, but the test focuses heavily on the past experiences of the landowner and whether similar incidents happened prior to this action.	Contributory Negligence	Raney v. Roger Downs Ins. Agency, 525 So.2d 1384 (Ala. 1988); Prentiss v. Evergreen Presbyterian Church, 644 So.2d 475 (Ala. 1994); Hambricht v. First Baptist Church-Eastwood, 638 So.2d 865 (Ala. 1994); Lantham v. Aronov Realty CO., 435 So.2d 209 (Ala. 1983); Freeman v. Freeman, 67 So.3d 902 (Ala. Civ. App. 2011).	
	Licensee: a person who enters upon the property with the landowner's consent, or as a guest, but not for a business purpose.	Licensee: a landowner may be liable for a licensee's injuries if the landowner either (1) wantonly or intentionally injures the licensee; or (2) warn the licensee of dangers known to the landowner after the landowner was aware of the danger to the licensee.				
	Invitee: a person who enter upon the property of the landowner for material or commercial benefit of the landowner.	Invitee: a landowner may be liable for a trespasser's injuries if the landowner fails to keep the premises in reasonably safe condition. Further, if the premises is not reasonably safe, a landowner may be liable if he fails to warn the invitee of defect and dangers that are known to the landowner, but not to the invitee.				
Alaska	Under Alaska Law, a landowner's duty does not differ based on the reason for the visitor's entry.	Duty of care for all visitors: a landowner may be liable for a visitor's injuries if he fails to exercise reasonable care in maintaining his property in a reasonably safe condition in view of all the circumstances, including the likelihood of injury to others, the seriousness of the injury, and the burden on the respective parties of avoiding the risk.	Alaska Courts utilize a high standard for determining the foreseeability of harm to the visitor. Thus, injury to the plaintiff may only be foreseeable if it appears to the court "highly extraordinary that it should have brought about the harm." Thus, although there are broad protections regardless of visitor status, foreseeability may be difficult to establish under Alaska law.	Pure Comparative	Edenshaw v. Safeway, Inc., 186 P.3d 568 (Alaska 2008); Webb v. City & Borough of Sitka, 561 P.2d 731 (Alaska 1977); Hum v. Greenway, 293 P.3d 480 (Ala. 2013).	
Arizona	Trespasser: a person who comes upon the property without invitation, permission, or other authority. Licensee: a person who comes upon the property with express or implied invitation. Invitee: a person who comes upon the property to the mutual advantage of the landowner and visitor.	Trespasser: a landowner may be liable for the trespasser's injuries if he willfully or intentionally inflicts injury upon him. Licensee: a landowner may be liable for a licensee's injuries if he fails to warn the licensee of hidden perils of which he knows, but cannot reasonably assume the licensee knows or by reasonable use of the property would discover. Invitee: a landowner may be liable for an invitee's injuries if he fails to maintain the property in a reasonable safe manner.	Arizona law determines the foreseeability of the injuries to the visitor under a totality of the circumstances standard. However, this standard focuses on the facts known to the landowner at the time of the injury.	Pure Comparative	Shannon v. Butler Homes, Inc., 428 P.2d 990 (Ariz. 1967); Spurr Feeding Co. v. Fernandez, 472 P.2d 12 (Ariz. 1970); Ritchie v. Costello, 256 P.3d 337 (Ariz. Ct. App. 2015); McMurtury v. Weatherford Hotel, Inc., 293 P.3d 520 (Ariz. Ct. App. 2013).	
Arkansas	Trespasser: a person who enters onto the land without the consent of the landowner. Licensee: a person who enters onto the property of another with consent of the owner, but for their owner purposes and not the benefit of the landowner. Invitee: a person who is induced to come onto the property for a business benefit of the possessor.	Trespasser: a landowner may be liable for the trespassers injuries if he engages in wanton or willful conduct after he knows of the trespasser's presence, or fails to exercise ordinary care under the circumstances to avoid injury to him after discovering his peril. Licensee: a landowner may be liable for the trespassers injuries if he engages in wanton or willful conduct after he knows of the Licensee's presence, or fails to exercise ordinary care under the circumstances to avoid injury to him after discovering his peril. Invitee: a landowner may be liable for the invitee's injuries if the landowner fails to maintain the premises in a reasonably safe condition.	Arkansas Courts determine the foreseeability of the visitor's injury based primarily on the totality of the circumstance. However, Arkansas Courts focus heavily on the remoteness of the risk in making their determinations.	Pure Comparative	Ethyl Corp. v. Johnson, 49 S.W.2d 644 (Ariz. 2001); Baldwin by Baldwin v. Mosely, 748 S.W. 2d 146 (Ark. 1988); Heigle v. Miller, 965 S.W.2d 116 (Ark. 1988) Wilson v. J. Wade Quinn Co., Inc., 952 S.W.2d 167 (Ar. 1997); Noel v. Cox, 570 S.W.3d 510 (Ark. Ct. App. 2019).	
California	California law does not determine the duty a landowner owes to a third party based on the visitor's reason for entering the property.	Duty owed to all visitors: a landowner must act reasonably based on the probability of injury to visitors.	California courts have stated that the visitor's reason for entering the property will inform the following factors for determining whether a landowner may be held liable for a visitor's injuries: (1) location of the property; (2) the likelihood that someone would come onto the property; (3) the likelihood that a visitor would incur harm; (4) the probable severity of such harm; (5) whether the landowner knew or should have known that the condition created a risk of harm; (6) the burden on the landowner to prevent the harm; and (7) the landowner ability to control the condition	Pure Comparative	Oettinger v. Stewart, 148 P.2d 19 (Cal. 1944); Rowland v. Christian, 443 P.2d 561 (Cal. 1968); Ann M. v. Pacific Plaza Shopping Center, 863 P. 2d 207 (Cal. 1993); Calbral v. Ralphs Grocery Store, 248 P.3d 1170 (Ca. 2011); Sprecher v. Adamson Companies, 636 P.2d 1121 (Cal. 1981).	
Colorado	Trespasser: a person who enters or remains on the property without the landowner's consent. Licensee: a person who enters or remains on the property for his own convenience or to advance his own interest with consent of the landowner. Invitee: a person enters or remains on the property to transact business in which the parties are mutually interested. Alternatively, an invitee may enter or remain on the land in response to express or implied representation that the public is requested, expected, or intended to remain on the property.	Trespasser: a landowner may be liable for the trespasser's injuries if the landowner willfully or deliberately caused the injuries. Licensee: a landowner may be liable for the licensee's injuries if the landowner (1) failed to exercise reasonable care regarding dangers the landowner created or actually knew of; or (2) unreasonably failed to warn the licensee of dangers the landowner knew of and are not ordinarily present on the property. Invitee: a landowner may be liable for the invitee's injuries if the landowner failed to exercise reasonable care to protect the invitee from danger they knew or should have known of.	Although no factor is dispositive, Colorado Courts utilize the following factors test to determine whether a landowner breach their duty to a visitor: (1) likelihood of injury; (2) burden in guarding against harm; and (3) the consequences to requiring the landowner guard the visitor from harm.	Modified Comparative	Colo. Rev. Stat. Ann. § 13-21-115 (West 1990); Colo. Rev. Stat. Ann. § 13-21-111 (West 1986); Wagner v. Planned Parenthood Federation of America, Inc., 2019 WL 989316 (Colo. Ct. App.).	

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Connecticut	Trespasser: a person enters onto the land or remains on the land without the landowner's consent.	Trespasser: a landowner may be liable for a trespasser's injuries when the landowner intentionally, willfully, wantonly, or recklessly injures the trespasser.	Connecticut Courts utilize the following factors test to determine when a landowner breached their duty of care: (1) whether an ordinary landowner, knowing what the landowner knew or should have known, would anticipate the harm of the general nature that would likely result; and (2) a determination, on the basis of public policy, as to whether the landowner's responsibility should extend to the plaintiff or the landowner in this case.	Modified Comparative	Kurti v. Becker, 733 A.2d 916 (Conn. App. 1999); Morig v. Bell Court Condo. Ass'n Inc., 612 A.2d A.2d Conn. 1992); Salaman v. City of Waterbury, 717 A.2d 1616 (Conn. 1998); Sweeney v. Friends of Hammonasset, 58 A.3d 293 (Conn. App. 2013).	
	Licensee: a person who enters on to the property with express of implied permission, but not invitation.	Licensee: a landowner may be liable for a licensee's injuries if the landowner failed to exercise reasonable care to train from actively subjecting the licensee to danger or warn the licensee about dangers the landowner knew or should have known about.				
	Invitee: a person who enters with an implied invitation and for mutual benefit of the invitee and the landowner.	Invitee: a landowner may be liable for the invitee's injuries if the landowner failed to reasonably inspect and maintain the property in reasonably safe condition. Further, a landowner has a duty to warn the invitee of dangers they could not reasonably be expected to discover.				
Delaware	Trespasser: a person who enters onto the land or remains on the land without the landowner's consent.	Trespasser: a landowner may be liable for the trespasser's injuries if he fails to refrain from willful or wanton conduct.	Delaware law relies on the Restatement to determine foreseeability. Thus, Delaware court determine the foreseeability of the visitor's injuries based on the following factors: (1) the character of the landowner's property or business; (2) his past experiences; (3) whether the landowner knew or should have known of the likelihood that the condition or conduct would endanger the safety of visitors in general.	Modified Comparative	Simpson v. Colonial Parking, Inc., 36 A.2d 333 (Del. 2012); Hoechst v. Nat'l R.R. Passenger Corp., 677 A.2d 29 (Del. 1996); Del. Code Ann. tit. 25 § 1501 (West 1953); DiOssi v. Maroney, 548 A.2d 1988 (Del. 1988); Furek v. Univ. of Del., 594 A.2d 506 (Del. 1991).	
	Licensee: a guest without invitation either "without payment" or otherwise.	Licensee: a landowner may be liable for the licensee's injuries if he fails to refrain from willful or wanton conduct.				
	Invitee: a person on the property with express or implied invitation of the landowner, to render a benefit or service.	Invitee: a landowner may be liable for the invitee's injuries if the landowner fails to make the premises reasonably safe.				
Florida	Trespasser: a person "who enters the premises without license, invitation, or other rights, and intrudes for some definite purpose of his own, or at his convenience, or merely as an idler with no apparent purpose"	Trespasser: a landowner has a duty "not to willfully or wantonly injure a trespasser."	Florida case law interprets foreseeability based on whether the landowner had actual or constructive knowledge, based on prior experiences, that a crime would likely occur or existing conditions on the premises would likely cause harm to an individual. Thus, Florida's test for foreseeability is dependent upon the totality of the circumstances.	Pure Comparative	City of Boca Raton v. Mantel, 91 So.2d 644, 648 (Fla. 1956); Stewart v. Texas Co., 67 So.2d 653, 654 (Fla. 1953); McNulty v. Hurley, 90 So.2d 185 (Fla. 1957); ERP Operating Limited Partnership v. Sanders, 96 So.3d 929, 933 (Fla. 2012); Brown v. Motel 6 Operating, L.P., 989 So.2d 658 (Fla. 2008); Holiday Inns, Inc. v. Shelburn, 589 So.2d 291(Fla. 1991).	
	Licensee: a person who enters the property "for his own convenience, pleasure, or benefit"	Licensee: a landowner has a duty not to "willfully and wantonly injure a licensee"				
	Invitee: a person who enters the premises "for purposes connected with the business of the owner or occupant(s) of the premises."	Invitee: a landowner has a duty to keep their property reasonably safe and protect invitees from any dangers they know of or should be aware of (highest standard of care owed)				
Georgia	Trespasser: a person wrongfully enters the property of another.	Trespasser: a landowner may only be liable for a trespasser's injuries if they occur because of a pitfall, mantrap, or things of similar nature.	Pursuant to Georgia law, an incident is foreseeable if it is substantially similar to previous criminal acts that occurred on or near the property. Further, those prior incidents must have been of such a nature that a reasonable person would have taken ordinary precaution to protect visitors.	Modified Comparative	Jones v. Barrow, 696 S.E.2d 363 (Ga. Ct. App. 2010); Rautenberg v. Pope, 831 S.E.2d 209 (Ga. Ct. App. 2019).	
	Licensee: a person who enters the property through express or implied permission of the landowner for the licensee's own interest, convenience, or gratification.	Licensee: a landowner may be liable for a licensee's injuries if he willfully or wantonly injures the licensee after he knows or should know of the licensee's presence.				
	Invitee: a person who enters the property who comes onto the property by express of implied invitation.	Invitee: a landowner may be liable for an invitee's injuries if the land owner fails to exercise ordinary care to keep the premises and approaches safe.				
Hawaii	Under Hawaii law, landowner's duty does not differ based on the reason for the visitor's entry.	Duty of care for all visitors: a landowner may be liable for a visitor's injuries if he fails to exercise reasonable care for the safety of all persons reasonable anticipated to be on the premises regardless of status.	Hawaii determine the foreseeability of the harm to the visitor based on the totality of the circumstances.	Modified Comparative	Winfrey v. GGP Ala Moana LLC, 308 P.3d 891 (Haw. 2013); Moyle v. Y & Y Hyup Shin, Corp., 191 P.3d 1062 (Haw. 2008); Pickard v. City & Cnty. of Honolulu, 452 P.2d 445, 446 (1969).	
	Trespasser: a person who goes onto the land without permission, invitation, or lawful authority.	Trespasser: a landowner may be liable for the trespasser's injuries if he fails to refrain from willful or wanton conduct.				
	Licensee: a person who enters upon the property with the consent of the landowner for their own purposes.	Licensee: a landowner may be liable for a licensee's injuries if the landowner fails to share with the licensee knowledge of a dangerous condition or activity on the land.				
Idaho	Invitee: a person who enters upon the property for a purpose connected with a business for which the land is used, or the visit otherwise confers a business, commercial, monetary, or other tangible benefit to the landowner.	Invitee: a landowner may be liable for an invitee's injuries if the landowner fails to keep the premises in reasonably safe condition or to warn of hidden concealed dangers.	Idaho court consider the totality of the circumstances when determining foreseeability. Specifically, Idaho court determine whether the landowner knew or should have know of the condition based primarily on the continuous nature of the condition.	Modified Comparative	Robinson v. Mueller, 322 P.3d 319 (Idaho Ct. App. 2014); Holzheimer v. Johannesen, 871 P.2d 814 (Idaho 1994); Evans v. Park, 732 P.2d 369 (Idaho 1987); O'Guin v. Bingham County, 72 P.3d 849 (Idaho 2003); Peterson v. Romine, 960 P.2d 1266 (Idaho 1998); Shea v. Kevic Corp., 328 P.3d 520 (Idaho 2014).	
	Trespasser: a person who enters upon the property with neither permission nor invitation and intrudes for some purpose of his own, or at his own convenience, or merely as an idler.	Trespasser: a landowner may be liable for a trespasser's injuries if he willfully or wantonly injures him.				
	Licensee: a person who enters upon the property with express of implied consent of the landowner for the benefit of the licensee.	Licensee: a landowner may be liable for a licensee's injuries if the landowner fails to exercise reasonable care under the circumstances regarding the state of the premises or acts done or omitted on them.				
Illinois	Invitee: a person who enters the property with express of implied consent for the mutual benefit of both parties, or for a purpose connected with the landowner's business.	Invitee: a landowner may be liable for an invitee's injuries if the invitee fails to exercise reasonable care under the circumstances regarding the state of the premises or acts done or omitted on them.	Illinois Courts consider the following factors in determining whether the landowner's breached the duty of reasonable care: (1) the foreseeability of the injury; (2) the likelihood of injury; (3) the magnitude of the burden of guarding against the injury; (4) the consequences of placing that burden on the landowner. Further, Illinois court determine the foreseeability prong of this test based on the totality of the circumstances.	Modified Comparative	Rhodes v. Illinois Cent. Gulf R.R., 65 N.E.2d 1260 (Ill. 1996); 740 Ill. Comp. Stat. Ann. 130/ 1. (West 1984); Bruns v. City of Centralia, 21 N.E.3d 684 (Ill. 2014).	
Indiana	Unlawful Entrant: a person who interest land for their own convenience, curiosity, or entertainment.	Unlawful Entrant: a landowner may be liable for an unlawful entrant's injuries if the landowner fails to refrain from willfully or wantonly injuring the unlawful entrant after discovering the unlawful entrant's presence.	Indiana courts consider the following factors in favor of the foreseeability of the visitor's injuries: (1) the relationship between the parties; (2) the likelihood of harm; and (3) the	Modified Comparative	Rogers v. Martin, 63 N.E.3d 316 (Ind. 2016); Burrell v. Meads, 569 N.E.2d 637 (Ind. 1991); Rhoades v. Hertlman Invest. LLC, 839 N.E.2d 788	

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	Lawful Entrant: a person who enters upon the land either for business of social purposes.	Lawful Entrant: a landowner may be liable for a lawful entrant's injuries if he fails to exercise reasonable care to protect the lawful entrant from injury.	between the parties; (2) the likelihood of harm; and (3) the public policy concerns.		Kroades v. Heritage Invest., LLC, 859 N.E.2d 788 (Ind. Ct. App. 2005).	
Iowa	Unlawful Entrant: a person who has no legal right to enter onto the property and enters without express or implied consent of the owner. Lawful Entrant: a person who comes upon the property with either express of implied permission from the landowner.	Unlawful Entrant: a landowner may be liable for the unlawful entrant's injuries if he injures him willfully or wantonly, or fails to use reasonable care after he knows of the trespasser's presence of the property. Lawful Entrant: a landowner may be liable for the lawful entrant's injuries if he fails to exercise reasonable care to protect the lawful entrant from injury.	Iowa has adopted the Nebraska standard for determining foreseeability and a standard of care. Accordingly, Iowa Court determine foreseeability based on the following factors: (1) the purpose for which the entrant entered the premises; (2) the time, manner, and circumstances under which the entrant entered the premises; (3) the use to which the premises are put or are expected to be put; (4) the reasonableness of the inspection, repair, or warning; (5) the opportunity and ease of repair or correction or giving of the warning; and (6) the burden on the land occupier and/or community in terms of inconvenience or cost in providing adequate protection.	Modified Comparative	Koenig v. Koenig, 766 N.W.2d 635 (Iowa 2009); Robeson v. Vieth Const. Corp., 2016 WL 1358504 (Iowa Ct. App. 2016).	
Kansas	Trespasser: a person who enters onto the property without any right, lawful authority, or an express or implied invitation or license. Licensee/invitee: a person who enters on the property with express or implied consent of the landowner, or to advance a mutual benefit of the landowner and visitor's.	Trespasser: a landowner may be liable for a trespasser's injuries if he fails to refrain from willfully, wantonly, or recklessly injuring the trespasser. Licensee/invitee: a landowner may be liable for an lawful visitor's injuries if the landowner fails to exercise ordinary care to ensure the visitor's safety. Further, a lawful visitor must warn against reasonably anticipated dangers.	Kansas Court utilize a factors test in determining the foreseeability of the harm to the visitor. Although Kansas courts weigh the totality of the circumstance, the most important consideration is the prior incidents. Further, court will consider the necessary precaution to combat other instances of the incident.	Modified Comparative	Wrinkle v. Norman, 301 P.3d 312 (Kan. 2013); Jones v. Hanc, 867 P.2d 303 (Kan. 1994); Selbert v. Vic Regnier Builders, Inc., 856 P.2d 1332 (Kan. 1993); Gragg v. Wichita State Univ., 934 P.2d 121 (Kan. 1997).	
Kentucky	Trespasser: a person who comes upon the property of another without any legal right to do so. Licensee: a person who comes on the land with the possessor's consent. Invitee: a person who enters the land for the purposes of business dealings with the owner.	Trespasser: a landowner may be liable for the trespasser's injuries if he engages in wanton or willful conduct. Licensee: a landowner may be liable for the licensee's injuries if he fails to exercise reasonable to make the land safe as it appears, or warn of dangerous conditions he knows exist. Invitee: a landowner may be liable for the invitee's injuries if he fails to keep the property reasonably safe or warn of dangers that are known, unknown, or not obvious to the invitee.	Kentucky Courts have stated that the distinct categories of licensee and trespasser are starting to blend together under Kentucky law. However, current law still recognizes the different categories. Foreseeability of the plaintiff's injuries is a fact-specific inquiry and Kentucky Courts are reluctant to establish specific elements for the duty.		Shelton v. Kentucky Easter Seals Soc., Inc., 413 S.W.3d 901 (Ky. 2013); Perry v. Williamson, 824 S.W.2d 869, 874 (Ky. 1992); Carney v. Galt, 517 S.W.3d 507 (Ky. Ct. App. 2017); West v. KKI, LLC, 300 S.W.3d 184 (Ky. Ct. App. 2008).	
Louisiana	Louisiana law does not distinguish between licensee, trespassers, and invitees in determining the landowner's standard of care.	Duty owed to all visitors: a landowner may be liable for a visitor's injuries if he failed to act as a reasonable man would in view of the probability of injury to others.	Louisiana court utilize a balancing test to determine the foreseeability of the landowner conduct causing the visitor's injuries. Further, this balancing test takes into account the likelihood and gravity of harm to the visitor against the requirement that a landowner should have acted to remedy.	Pure Comparative	Posecai v. Wal-Mart Stores, Inc., 752 SO.2d 762 (La. 1999); Cates v. Beauregard Elec. Co-op., Inc., 328 So.2d 367 (La. 1976); Bonds v. Abbeville General Hosp., 782 So.2d 1188 (La. Ct. App. 2001).	
Maine	Trespasser: a person who enters onto the land or remains on the land without the landowner's consent. Lawful visitor: a person who enters on the land with express or implied consent of the landowner.	Trespasser: a landowner may be liable for a trespasser's injuries when the landowner's intentionally inflicts injury upon the trespasser. Lawful visitor: a landowner may be liable for the lawful visitor's injuries if the landowner failed to exercise reasonable care to protect the lawful visitor from injury.	Pursuant to Maine law, a landowner may be liable for the visitor's foreseeable injuries if the landowner: (1) caused the condition; (2) had actual knowledge of the condition; (3) was aware of a recurring condition that had potential risk of harm to visitors, and (4) allowed the condition to remain for a period of time such that the landowner should have known about it.	Modified Comparative	Poulin v. Colby College, 402 A.2d 846 (Me. 1979); Nelson v. Burnham & Morrill Co., 95, A. 1029, 1031 (Me. 1915); Budzko v. One City Center Assoc. Ltd. P'ship, 767 A.2d 310 (Me. 2001).	Maine law does not distinguish between the duty of care to visitors so long as the visitor lawfully enters the land.
Maryland	Trespasser: a person who intentionally enters onto the property without privilege or consent of the landowner. Licensee: a person who enters onto the property with the landowner's knowledge and consent but for his own purposes or interest. Invitee: a person who is invited or permitted to enter or remain on the property for purposes connected with or related to business.	Trespasser: a landowner may be liable for a trespasser's injuries if he engages in willful or wanton misconduct or entrapment. Licensee: a landowner may be liable for a licensee's injuries if he engages in willful or wanton misconduct or entrapment. Invitee: a landowner may be liable for injuries to an invitee if he fails to exercise reasonable and ordinary care to keep the premises safe for the invitee.	Maryland court determine the foreseeability of the injury to the visitor on the totality of the circumstances. However, Maryland courts look primarily for whether the landowner knew or the condition, or had sufficient time to discover the condition.	Contributory Negligence	Tennant v. Shoppers Food Warehouse Md. Corp., 693 A.2d 370 (Md. App. 1977); Bramble v. Thompson, 287 A.2d 265 (Md. App. 1972); Richardson v. Inwakuuko, 966 A.2d 972 (Md. App. 2009).	
Massachusetts	Trespasser: a person who enters onto the land or remains on the land without the landowner's consent. Lawful visitor: a person who enters on the land with express or implied consent of the landowner.	Trespasser: a landowner may be liable for the trespasser's injuries if he willfully, wantonly, or recklessly disregards the trespasser's safety. Lawful Visitor: a landowner may be liable for the lawful visitor's injuries if the landowner fails to exercise reasonable care under the circumstances.	Although Massachusetts law does not distinguish between the duty owed to lawful visitors, Massachusetts courts consider this factors within foreseeability of harm to the visitor. Consequently, Massachusetts courts consider the follows factors when determining the foreseeability of harm to the visitor: (1) the likelihood of injury to him; and (2) the landowner's interest that must be sacrificed to avoid the risk of injury.	Modified Comparative	Mousey v. Elard, 297 N.E.2d 43 (Mass. 1973); Schofield v. Merrill, 435 N.E.2d 339 (Mass. 1982).	Massachusetts law does not distinguish between the duty of care to visitors so long as the visitor lawfully enters the land.
Michigan	Trespasser: a person who enters the property without the landowner's consent. Licensee: a person who is privileged to enter the possessor land based on the landowner's consent. Invitee: a person who enters upon the property based on an invitation.	Trespasser: a landowner may be liable for a trespasser's injuries if he fails to refrain from injuring him by willful or wanton misconduct. Licensee: a landowner may be liable for a licensee's injuries if he fails to warn the licensee of any hidden dangers the landowner knows or has reason to know if, but the licensee does not know or have reason to know of. Invitee: a landowner may be liable for the licensee's injuries if he fails to exercise reasonable care to prepare the premises and make it safe for the invitee.	Although Michigan court have not expressly overruled Mason v. Royal Dequindre, Inc., court no longer consider a factors test in determining the foreseeability of harm to the visitor. Alternatively, Michigan Court look to whether the landowner's specific action could harm this particular plaintiff. Thus, Michigan Court have adopted a test with broader consideration, but limited the application.	Modified Comparative	MacDonald v. PKT, Inc., 628 N.W.2d 33 (Mich. 2001); Sitt v. Holland Abundant Life Fellowship, 614 N.W.2d 88 (Mich. 2000); Mason v. Royal Sequindre, Inc., 566 N.W.2d 199 (Mich. 1997).	

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Minnesota	Trespasser: a person who enters onto the property unlawfully or without the consent of the landowner	Trespasser: a landowner may be liable for the trespasser's injuries if the landowner fails to warn the trespasser of an artificial condition that the landowner created or maintained and that condition meets all of the following: (1) it is likely to cause death or serious bodily harm; (2) land landowner had actual knowledge of the condition; and (3) the danger is concealed or hidden from the trespasser.	Although Minnesota Courts eliminated the licensee-invitee distinction, courts consider this distinction amongst other factors of foreseeability. Although not factor is dispositive, Minnesota Courts routinely consider the following when determining whether landowner's breached their reasonable care duty: (1) the likelihood of harm; (2) the duty to inspect or repair the condition; (3) the reasonableness of an inspection; and (4) the opportunity to and ability to correct or repair the condition.	Modified Comparative	Foss v. Kincaide, 766 N.W.2d 317 (Minn. 2009); Peterson v. Balach, 199 N.W.2d 639 (Minn. 1972); Lundstrom v. City of Apple Valley, 587 N.W.2d 517 (Minn. Ct. App. 1998).	
	Licensee/invitee: a person who comes upon the property with either express of implied permission from the landowner.	Licensee/invitee: a landowner may be liable for a licensee or invitee's injuries if he fails to exercise reasonable care under the present circumstances.	Mississippi Courts have a unique approach to establishing foreseeability of harm to the plaintiff. First, if the visitor was injured by a criminal act of third person the visitor must establish that: (1) the landowner had actual or constructive knowledge of the assailant's violent nature; or (2) the landowner had actual or constructive knowledge that an atmosphere of violence existed on the premises. Second, if the cause of action does not include an intervening criminal act, Mississippi courts consider the totality of the circumstances for facts which indicate the general nature of the injury is foreseeable. Some considerations include: (1) the nature, condition, and location of the premises; (2) the landowner's prior experiences.	Pure Comparative	Leffler v. Sharp, 891 So.2d 152 (Miss. 2003); Massey v. Tingle, 867 So.2d 235 (Miss. 2004); Peterson v. Evans, 835 So.2d 30 (Miss. 2003); Galanis v. CMA Management Co., 175 So.3d 1213 (Miss. 2015).	
Mississippi	Trespasser: a person who enters upon the property without license, invitation, or other right.	Trespasser: a landowner may be liable for a trespasser's injuries if he fails to refrain from willfully or wantonly injuring them.				
	Licensee: a person who enter upon the property for his own convenience, pleasure, or benefit pursuant to license or implied permission.	Licensee: a landowner may be liable for a licensee's injuries if he fails to refrain from willfully or wantonly injuring them.		Pure Comparative		
Missouri	Invitee: a person who enter upon the property with express or implied invitation of the landowner for mutual advantage.	Invitee: landowner may be liable for an invitee's injuries if the landowner fails to keep the property reasonable safe or fails to warn the invitee of hidden dangers.				
	Trespasser: a person when enters onto the land without the landowner's permission.	Trespasser: a landowner may be liable for the trespassers injuries if he engages in wanton or willful conduct.	Missouri Court determine foreseeability based on the totality of the circumstances. Further, Missouri Court heavily focus on whether the specific injury to the visitor was likely to occur under the circumstances.	Pure Comparative	Wells v. Goforth, 443 S.W.2d 155, 158 (Mo. 1969); Ford v. Ford Motor Co., 2019 WL 2583264 (Mo. Ct. App. Jun. 25, 2019); Cochran v. Burger King Corp., 937 S.W.2d 358 (Mo. Ct. App. 1996).	
Montana	Invitee: a person who enters the property with either the consent of landowner for mutual benefit, or for mutual benefit alone.	Duty owed to all visitors: a landowner may be liable for a visitors injuries if he fails to exercise ordinary care under the circumstances. However, a landowner may not be liable for conditions whose danger would be obvious to the visitor. However, the landowners should anticipate the obviousness of the danger and the visitor should not, the landowner may be liable.	Montana Courts determine the foreseeability of harm to the visitor pursuant to a non-dispositive factors test. Thus, the court weighs each of the following for or against foreseeability: (1) the type of property; (2) the setting; (3) the location; (4) the typical visitor; (5) use or occupation of the premises; and (6) the specific type of hazard or unsafe condition alleged.	Modified Comparative	Stechen v. Talcott Prop., LLC, 292 O.3d 458 (Mont. 2013); Richardson v. Corvallis Pub. Sch. Dist. No. 1, 950 P.2d 748 (Mont. 1997)	
Nebraska	Unlawful Entrant: a person who enters or remains on the property without privilege to do so through express of implied consent of the landowner.	Unlawful Entrant: a landowner may be liable for a trespasser's injuries if he willfully or wantonly injures the trespasser.	Nebraska court determine if the landowner the breached the duty to protect a visitor based on the following factors: (1) the likelihood of harm; (2) the purpose for the entrant visiting the premises; (3) the time, manner, and circumstances under which the entrant came on the property; (4) the use of which the premises are put or are expected to be put; (5) the reasonableness of inspection, repair, or warning; (6) the opportunity and ease of repair or correction of giving of the warning; and (7) the burden on the landowner in providing adequate protection.	Pure Comparative	Heins v. Webster County, 552 N.W.2d 51 (Neb. 1996); Wright v. Preston Resources, Inc., 639 N.W.2d 149 (Neb. Ct. App. 2002); Aguillo v. City of Scottsbluff, 678 N.W.2d 82 (Neb. 2004).	
	Lawful Entrant: a person who enters the property with express or implied consent of the landowner, or for a business purpose.	Lawful Entrant: a landowner may be liable for the lawful entrant's injuries if he the landowner fails to use reasonable care to keep the property safe for the lawful entrant.				
Nevada	In Nevada, the duty and landowner owes to a visitor is not determined by the visitor's legal status.	Duty owed to all visitors: a landowner may be held liable for a visitor's injuries if the landowner fails to adhere to his general duty to use reasonable care under the circumstances.	Nevada court determine foreseeability of the injuries to the visitor based on the totality of the circumstances. Further, Nevada courts emphasize that prior closely related incidents are not required to provide sufficient evidence for foreseeability. Thus, the visitor must show that the landowner should have know of the general likelihood of harm.	Modified Comparative	Foster v. Costco Wholesale Corp., 291 P.3d 150 (Nev. 2012); Boutwell v. PHWLV, LLC, 2019 WL 5681202 (Nev. Oct. 31, 2019); Scialabba v. Brandise Const. Co., Inc., 921 P.2d 928 (Nev. 1996).	One or more defendants must be at least 50% liable
New Hampshire	Trespasser: a person who enters onto the land or remains on the land without the landowner's consent.	Trespasser: a landowner may be liable for a trespassers injuries if he intentional or willfully inflicts injury.				
	Licensee: a person who uses the landowner's property for her own personal benefit.	Licensee: a landowner may be liable for injuries to the licensee if he fails to warn the licensee of dangers actually known to the landowner and not open to ordinary observation by the licensee.	New Hampshire utilizes a broad test for foreseeability of harm to the visitor. This broad test includes the totality of the circumstances and extends foreseeability to include condition that occurred nearby the landowner's property.	Modified Comparative	Dowd v. Portsmouth Hosp., 193 A.2d 788 (N.H. 1963); Cook v. 177 Granite St., 64 A.2d 327 (N.H. 1949); Kellner v. Lowney, 761 A.2d 421 (N.H. 2000).	
	Invitee: a person who is invited to enter or remain on the land as a member of the public connected with a public purpose or in connection with the landowner's business dealings.	Invitee: a landowner may be liable for injuries to an invitee if the landowner fails to use due care to maintain a safe property.				
	Trespasser: a person who enters onto the land or remains on the land without the landowner's consent.	Trespasser: a landowner may be liable for the trespasser's injuries if the landowner fails to warn the trespasser of artificial conditions on the property that pose a risk of death or serious bodily harm to the trespasser.				

State	Visitor Classifications	Duties Owed to Visitors	Foreseeability Test	Liability Assignment	Relevant Cases and Statutes	Notes
New Jersey	Licensee: a person who enters on to the property with express or implied permission, but not invitation.	Licensee: a landowner may be liable for the licensee's injuries if he fails to warn the licensee of any dangerous condition of which the owner has actual knowledge and of which the licensee is unaware.	New Jersey law considers the following factors in determining whether the landowner breached the duty of care to visitors: (1) the relationship between the landowner and the visitor; (2) the nature of the risk; and (3) how easy it would be to provide warning to the visitor.	Modified Comparative	Berger v. Shapiro, 152 A.2d 20 (N.J. 1959); Rencz v. Penn Cent. Corp., 435 A.2d 540 (N.J. 1981); Handelman v. Cox, 187 A.2d 708 (N.J. 1963); Olivo v. Owens-Illinois, Inc., 895 A.2d 1143 (N.J. 2006).	
	Invitee: a person with express or implied permission to enter the property.	Invitee: a landowner may be liable for the invitee's injuries if the landowner fails to use reasonable care to guard the invitee against dangerous conditions on his property that he knows or should have discovered.				
New Mexico	Trespasser: a person who enters the property without consent or authorized entry from the landowner.	Trespasser: a landowner owes a trespasser a duty to avoid injuring the trespasser by willful or wanton conduct.	New Mexico courts have stated breach of the duty to protect a visitor will be assessed based on the totality of the circumstances and may consider the status of the person as a factor, but not as dispositive. However, New Mexico courts may consider: (1) the likelihood of injury to another; (2) the seriousness of the injury; and (3) the burden of avoiding the risk of harm to visitors.	Pure Comparative	Ford v. Board of County Com'rs of County of Dona Ana, 879 P.2d 766 (N.M. 1994); Latimer v. City of Clovis, 495 P.2d 788 (N.M. Ct. App. 1972).	New Mexico law does not determine the duty a landowner owes to a third party based on the visitor's reason for entering the property, unless the visitor is a trespasser.
	Licensee/ Invitee: a person who enters onto the land either with consent of the landowner, invited onto the land, or has implied permission to be on the land.	Licensee/ Invitee: regardless of licensee or invitee status, a landowner must act as a reasonable man would to maintain his property in reasonably safe condition.				
New York	New York law does not determine the duty a landowner owes to a third party based on the visitor's reason for entering the property.	Dutied owed to all visitors: that of reasonable care. Further, a landowner must act reasonably to maintain safe condition in view of the circumstances.	New York precedent emphasizes factors one and two of the following test, but conducts a facts and circumstances inquiry: (1) the likelihood of serious injury; (2) the likelihood of the plaintiff's presence; and (3) the totality of the circumstances.	Pure Comparative	Nallan v. Helmsley-Spear Inc., 50 N.Y.2d 507 (N.Y. 1980); Basso v. Miller, 352 N.E.2d 868 (N.Y. 1976); Schneider v. Kings Highway Hosp. Ctr., 409 N.E.2d (N.Y. 1986).	
North Carolina	Unlawful entrant: a person who enters the property without permission or right.	Unlawful Entrant: a landowner may be liable for an unlawful entrant's injuries if the landowner fails to refrain from willfully or wantonly injuring the unlawful entrant.	North Carolina Courts determine the foreseeability of the visitor's injuries based on the totality of the circumstances. However, North Carolina court indicate that the inquiry will not be limited simply to prior incidents.	Contributory Negligence	Nelson v. Freeland, 507 S.E.2d 882 (N.C. 1998); Lorinovich v. K Mart Corp., 516 S.E.2d 643 (N.C. Ct. App. 1999); Von Vitzay v. Thoms, 538 S.E.2d 629 (N.C. Ct. App. 2000); Miller v. B.H.B. Ent., Inc., 568 S.E.2d 219 (N.C. Ct. App. 2002).	
	Lawful entrant: a person who enters the property express or implied invitation or permission regardless of whether the visit primarily benefits the landowner of visitor.	Lawful Entrant: a landowner may be liable for a lawful entrant's injuries if he fails to exercise reasonable care to protect the lawful entrant from injury.				
North Dakota	Unlawful Entrant: a person who enters onto the property of another without some color of right to do so.	Unlawful Entrant: a landowner may be liable for a trespasser's injuries if he willfully or wantonly injures the trespasser.	North Dakota Courts utilize the totality of the circumstances in determining whether the landowner's breached the duty of care. However, the foreseeability of harm the visitor is determined based primarily on the following: (1) the likelihood of harm; (2) the seriousness of the injury; and (3) the burden of the risk.	Modified Comparative	O'Leary v. Coenen, 251 N.W.2d 746 (N.D. 1977); Saltsman v. Sharp, 803 N.W.2d 553 (N.D. 2011).	
	Lawful Entrant: a person who enters the property with express or implied consent of the landowner, for a business purpose, or for a social purpose.	Lawful Entrant: a landowner may be liable for a trespasser's injuries if he failly to act a reasonable man would when maintaining the property in a reasonably safe condition.				
Ohio	Trespasser: a person who enters the property without consent or privilege from the landowner.	Trespasser: a landowner may be liable for the injuries of trespasser if he fails to refrain from injuring the trespasser wantonly, willfully, or engages in reckless conduct which is likely to injure the trespasser.	Ohio Court require more knowledge that simply past occurrence and the potential for further. Thus, Ohio Courts utilize a factors test which weighs the following: (1) the specific knowledge of a potential future problem based on bas occurrences, and (2) a substantial likelihood that such incident will occur again.	Modified Comparative	Gladon v. Greater Cleveland Regional Transit Auth., 662 N.E.2d 287 (Ohio 1996); Soles v. Ohio Edison Co., 59 N.E.2d 138 (Ohio 1945); Brown v. Lincoln Hts., 958 N.E.2d 1280 (Ohio Ct. App. 2011); Johnson v. Spectrum of Supportive Servs., 2003 WL 21982915 (Ohio Ct. App. Aug. 21, 2003).	
	Licensee: a person who enters the property for his own benefit or convenience, but not by invitation.	Licensee: a landowner may be liable for the injuries of a licensee if he fails to refrain from injuring the licensee wantonly, willfully, or engages in reckless conduct which is likely to injure the licensee.				
Oklahoma	Invitee: a person who rightfully enters the land by invitation, express of implied, and for a purpose that is beneficial to the owner.	Invitee: a landowner may be liable for an invitee's injuries if he fails to exercise ordinary care for the invitee's safety and protection.	Under Oklahoma law a landowner does not need to anticipate the exact type of crime or condition which injured the plaintiff. However, Oklahoma court consider following factors in determining the foreseeability of the injury to the visitor. Although no factor is dispositive, a few factors are as follows: (1) the character and place of the property or business; and (2) the landowner's past experience.	Modified Comparative	Pickens v. Tulsa Metropolitan Ministry, 951 P.2d 1079 (Okla. 1997).	
	Trespasser: a person who unlawfully enters the property without express of implied permission from the landowner.	Trespasser: a landowner may be liable for a trespasser's injuries if the landowner fails to avoid injuring him willfully or wantonly.				
Oregon	Licensee: a person who enters the property for his own benefit or please with either express of implied permission from the landowner.	Licensee: a landowner may be liable for a licensee's injuries if the landowner fails to exercise reasonable care to disclose to the landowner the existence of dangerous defects known to the landowner, but unlikely known to the licensee.	Oregon courts determine the breach of a duty to protect visitors based on the totality of the circumstances. However, Oregon courts have considered a few common factors including the following: (1) the landowner's past experience; (2) similar crimes in the area; (3) place and character of the business; and (4) likelihood that a visitor would be harmed.	Modified Comparative		Buchler v. Oregon Corrections Div., 853 P.2d 798 (Or. 1993); Stewart v. Kids Inc. of Dallas, OR, 261 P.3d 1272 (Or. App. 2011); Casley v. Borham, 102 P.3d 748 (Or. App. 2004).
	Invitee: a person invited to enter or remain on the property for a purpose directly or indirectly connected with landowner's business dealings.	Invitee: A landowner must warn an invitee of latent dangers and protect them from dangerous condition on the premises that the landowner knows or should reasonably know about.				

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Pennsylvania	Trespasser: a person who enters the property without lawful authority, permission, or invitation	Trespasser: a landowner may be liable for the trespasser's injuries if he fails to (1) keep his land in reasonably safe condition; or (2) carries on activities which endanger them.	In general, Pennsylvania courts determine whether the landowner breached their duty of reasonable care on a case-by-case basis. Although, no factors is dispositive, Pennsylvania courts consider the following factors when determining whether the landowner violated the duty to prevent harm to individual under a negligent security claim: (1) recent criminal activity; (2) incidents on the property; and (3) industry standards in the region for similar types of property.	Pure Comparative	Feld v. Merriam, 485 A.2d 742, 745-47 (Pa. 1984); Pearson v. Philadelphia Eagles, LLC, 2019 WL 5091520 (Pa. Super 2019); Neve v. Insalaco s. 771 A.2d 786, 790 (Pa. Super. 2001).	
	Licensee: a person who has a privilege to enter and remain on the property pursuant to the possessor's consent	Licensee: a landowner may be liable for a licensee's injuries if: (1) the landowner knows or has reason to know of the condition and should realize the risk to the plaintiff and should expect the licensee will not discover or realize the danger; (2) the landowner fails to exercise reasonable care to make the condition safe or warn the licensee of the risk; and (3) the licensee does not know or have reason to know of the risk involved.				
	Invitee: a person who is justified in believing that the landowner desires them to be on the property.	Invitee: a third party owes may be liable for the invitee's injuries if the third party: (1) knows or by the exercise of reasonable care would discover the condition, and should realize that it involves an unreasonable risk to such invitees; and (2) should expect that they will discover or realize the danger, or will fail to protect themselves against it; and (3) fails to exercise reasonable care to protect them against the danger.				
Rhode Island	Trespasser: a person who enters and remains on the landowner's property without a privilege created by the landowner's consent or otherwise.	Trespasser: a landowner may be liable for the trespassers injuries if he engages in wanton or willful conduct.	Rhode Island law utilizes a balancing test to determine the foreseeability of harm to the visitor. Thus, the balancing test weighs the likelihood of harm to the visitor against the burden of the duty. Further, Rhode Island law does not require that the landowner foresee the specific risk of harm. Instead, the landowner must only foresee a general risk of harm. In sum, the injury may be foreseeable if the landowner knew or should have known the visitor would be in the zone of danger, and taken reasonable steps to lessen or avoid than danger.	Pure Comparative	Tantimonico v. Allendale Mut. Ins. Co. 638 A.2d 1056 (R.I. 1994); Marioreni v. DiPonte, Inc., 333 A.2d 127 (1975); Volpe v. Gallagher, 821 A.2d 699 (R.I. 2003).	
	Licensee/invitee: a person who enters onto the property with either express or implied consent of the landowner.	License/invitee: a landowner may be liable for a lawful entrant injuries if the landowner fails to exercise reasonable care to protect the lawful entrant from injury.				
South Carolina	Trespasser: a person when enters onto the land without invitation nor suffered.	Trespasser: a landowner may be liable for the trespasser's injuries if he fails to warn the trespasser of hidden dangers.	South Carolina Courts adopt a balancing test used by both the California and Tennessee Courts. This test balances the foreseeability of the crime and the burden of the duty by taking into account the prior criminal incidents, but does not end its inquiry there. South Carolina court thus reject the imminent harm, prior incidents, and totality of the circumstances tests.	Modified Comparative	Sims v. Giles, 541 S.E.2d 857 (S.C. Ct. App. 2001); Henson ex rel. Hunt v. Int'l Paper Co., 650 S.E.2d 74 (S.C. 2007) Bass v. Gopal, Inc., 716 S.E.2d 910 (S.C. 2011).	
	Licensee: a person who is not invited onto the property, but whose presence is suffered.	(1) fails to use reasonable care to discover the licensee and avoid injury to him in carrying on activities upon the land; or (2) fails to use reasonable care to warn him of an concealed dangerous conditions or activities which are known to the landowner, or any change in the condition of the property which may be dangerous to him, and the licensee may be reasonably expected to discover.				
	Invitee: a person who on the property through express of implied invitation.	Invitee: a landowner may be liable for the invitee's injuries if he fails to exercise reasonable or ordinary care for the invitee's safety				
South Dakota	Trespasser: a person who enters upon the property without express or implied consent of the landowner.	Trespasser: a landowner may be liable for a trespasser's injuries if he is aware of the trespasser presence and willfully injures him.	South Dakota Courts determine foreseeability based on the totality of the circumstances test. Further, South Dakota courts engage in a very fact-specific inquiry when determining whether the injury was foreseeable.	Modified Comparative	Janis v. Nash FinchCo., 780 N.W.2d 497 (S.D. 2010); Musch v. H-D Elec. Co-op, Inc., 460 N.W. 2d 149 (S.D. 1990); Pierce v. City of Belle Fourche, 624 N.W.2d 353 (S.D. 2001).	A plaintiff may recover so long as their negligence is no more than slight
	Licensee: a person who enters or remains upon the land by virtue of the possessor's consent.	Licensees: a landowner may be liable for a licensee's injuries if he fails to warn the licensee of concealed, dangerous conditions known to him or use ordinary care in active operations on the property.				
	Invitee: a person who enters or remains upon the land in connection with the landowner's business dealings.	Invitee: a landowner may be liable for an invitee's injuries if he fails to exercise reasonable or ordinary care.				
Tennessee	Trespasser: a person who comes upon the property of another without permission from the landowner.	Trespasser: a landowner may be liable for the trespassers injuries if he injures the trespasser willfully, by gross negligence, or leads him into a trap.	Although Tennessee Court do not distinguish between licensee and invitees in determining the duty a landowner owes to them, this the purpose for entry onto the property is a factor in determining reasonableness. Although no factor is dispositive Tennessee Courts may consider the following in determining the reasonableness of the landowner's conduct: (1) the likelihood the landowner would have visitors; (2) the likelihood of harm to the visitors; (3) the likelihood of harm to the landowner; and (4) time, place, and manner of the visitor's entry.	Modified Comparative	Hudson v. Galtan, 675 S.W.2d 699, 703 (Tenn. 1984); Carson v. Headrick, 1995 WL 390733 (Tenn. Jun. 5, 1995).	
	Licensee/invitee: a person who comes upon the property with either express of implied permission from the landowner.	Licensee/invitee: a landowner may be liable for a licensee or invitee's injuries if he fails to exercise reasonable care under all attendant circumstances.				
	Trespasser: a person who enters the property without lawful authority, permission, or invitation	Trespasser: a landowner has a duty not to injure the visitor through gross negligence.				
Texas	Licensee: a person who enters and remains on the land with the owner's consent and for the licensee's own convenience, on business with someone other than the owner.	Licensee: a landowner may be liable for the licensee's injuries if the landowner is either (1) grossly negligent, or (2) has actual knowledge of a dangerous condition unknown to the licensee and fails to warn the licensee.	Texas law consider the following factors when determining the foreseeability of dangers posed to visitors: (1) Whether previous criminal conduct occurred on or near the landowner's property; (2) how recent the prior criminal acts occurred on or near the landowner's property; (3) the frequency of the criminal activity; (4) the similarity of previous crimes to the	Modified Comparative	Tex. Civ. Prac. & Rem. Code Ann. §75.002 (West 2019); Timberwalk Apartments, Partners, Inc. v. Cain, 972 S.W.2d 749, 758 (Tex. 1998); Keech v. Kroger Co., 845 S.W.2d 262, 264 (Tex. 1992);	

State	Visitor Classifications	Duties Owed to Visitors	Foreseeability Test	Liability Assignment	Relevant Cases and Statutes	Notes
	Invitee: a person who enters the land with the owner's knowledge and for the mutual benefit of both the landowner and the visitor. Trespasser: a person who enters onto the property unlawfully or without the consent of the landowner Licensee: a person who enters onto the land without invitation, but with at least implied permission from the landowner's consent or otherwise.	Invitee: landowner must use reasonable care to protect persons on their land from unreasonable risk of harm and conditions that the landowner should discover with reasonable care. Trespasser: a landowner owes a trespasser a duty to avoid injuring the trespasser by willful or wanton conduct. Licensee: a landowner owes a licensee a duty to avoid willfully causing injury to her or permitting conditions to exist which the landowner could reasonably foresee would result in injury. Invitee: a landowner may be held liable for an invitee's injuries if the landowner: (1) knows or reasonably should know of a condition that involves an unreasonable risk to the invitee; (2) should expect that the invitee will not discover or realize the danger, or will fail to protect themselves from the danger; and (3) fails to exercise reasonable care to protect the invitee.	current activity, by the similarity of previous crimes to the current crime; and (5) the publicity of prior occurrences such that the landowner should have known about the prior injuries.		Redlinger v. Living, Inc., 689 S.W.2d 415, 417 (Tex. 1985).	
Utah			Utah courts determine the breach of a duty to protect visitors based on the totality of circumstances. However, Oregon courts focus heavily on whether the landowner had actual knowledge of the condition or the condition existed for long enough for the landowner to be aware of it.	Modified Comparative	Whipple v. Am. Fork Irrigation Co., 910 P.2d 1218, 1220 (Utah 1996); Schnuphase v. Storehouse Markets, 918 P.2d 476 (Utah 1996); English v. Klenke, 848 P.2d 153 (Utah 1993).	
Vermont			Vermont law determines may consider facts in favor of foreseeability of the visitor's injury even when the prior instances is more general. However, Vermont law requires specific, similar acts or incidents of harm for as successful premises liability claim though constructive knowledge.	Modified Comparative	Denagy v. Better Power Equip., Inc., 102 A.3d 1101 (Vt. 2014); Stopford v. Milton Town School Dist., 202 A.3d 973 (Vt. 2018).	Vermont law does not distinguish between the duty of care to visitors so long as the visitor lawfully enters the land.
Virginia			In determining foreseeability of the harm to the visitor, Virginia courts utilize a restrictive foreseeability test which does not consider a single similar instance in favor for foreseeability. However, Virginia court determine the probability of harm based on the following: (1) knowledge that visitors are harmed on the condition; (2) knowledge that a visitor is about to incur harm; and (3) whether that harm occurred on the same property.	Contributory Negligence	Holcombe v. Nations Bank Financial Services, 450 S.E.2d 158, 160 (Va. 1994); Pettyjohn & Sons v. Basham, 100 S.E.813 (Va. 1919); Tabpada v. Daly Seven, Inc., 626 S.E.2d 428 (Va. 2006); Wright v. Webb, 326 S.E.2d 919 (Va. 1987).	
Washington, D.C.			D.C. law determines the foreseeability of the injury to the visitor based on the totality of the circumstances. D.C. courts may consider some of the following factors in their inquiry: (1) the nature of the injury; (2) the landowner's ability to avoid the risk; (3) the likelihood of injury from the condition; and (4) the landowner's ability to discover the condition.	Contributory Negligence	Holland v. Baltimore & Ohio R.R., 431 A.2d 597, 599 (D.C. 1981); Boyrie v. E & G Property Serv., 58 A.3d 475 (D.C. App. 2013); Sandoe v. Lefta Assoc., 559 A.2d 732 (D.C. App. 1988).	D.C. applies comparative negligence standard in cases between automobiles and pedestrians, bicyclists, and other non-motorized users of public streets
West Virginia			In determining a breach of the duty owed to a visitor, West Virginia Courts consider: (1) the foreseeability that an injury might occur; (2) the severity of injury; (3) the time, manner and circumstances under which the injured party entered the premises; (4) the normal or expected use made of the premises; and (5) the magnitude of the burden placed upon the defendant to guard against injury. Further, the West Virginia Courts determine the foreseeability prong based on the totality of the circumstances.	Modified Comparative	Mallett v. Pickens, 522 S.E.2d 436 (W.Va. 1999); Neely v. Belk Inc., 668 S.E.2d 189 (W. Va. 2008).	
Wisconsin			Wisconsin Courts utilize the same standard of ordinary as they utilize in all negligence matters. Thus, a Wisconsin court consider the totality of the circumstances and whether a reasonable person could have reasonable foreseen that the landowner's actions could subject him to a unreasonable risk of dange or injury.	Modified Comparative	Sm Maxwell v. Nayard, 682 N.W.2d 923 (Wis. 2004); Shannon v. Shannon, 442 N.W.2d 25 (Wis. 1989); Antoniewicz v. Reszcynski, 236 N.W.2d 1 (Wis. 1975); Monsivais v. Winzenried, 508 N.W.2d 620 (Wis. Ct. App. 1993).	
Wyoming			Wyoming utilizes a factors test to determine the foreseeability of injury to the visitor. Further, the factors test accounts for the following considerations: (1) the magnitude of the risk involved in the landowner's conduct; (2) the burden of requiring the landowner to guard against that risk; and (3) the consequences of placing that burden on the landowner.	Modified Comparative	RB, Jr. by and through Brown v. Big Horn County Sch. Dist. No. 3, 388 P.3d 542 (Wyo. 2017); Clarke v. Beckwith, 585 P.2d 293 (Wyo. 1993); Mostert v. CBI & Assoc., 741 P.2d 1090 (Wyo. 1987).	