

By: Farabee

H.B. No. 1037

A BILL TO BE ENTITLED

AN ACT

relating to certain rights and liabilities of an employer regarding an employee's access to a firearm.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 52, Labor Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. RESTRICTIONS ON PENALIZING EMPLOYEE FOR STORAGE OF FIREARM IN MOTOR VEHICLE

Sec. 52.061. PENALIZING EMPLOYEE FOR STORAGE OF FIREARM IN MOTOR VEHICLE; LIMITATION ON EMPLOYER LIABILITY. (a) In this section, "firearm" has the meaning assigned by Section 46.01, Penal Code.

(b) A public or private employer may not discharge, discipline, or penalize in any manner an employee because the employee transported or stored a firearm in the employee's locked motor vehicle, regardless of whether the vehicle was located on the employer's property.

(c) An employee discharged in violation of this section is entitled to reinstatement to the same position in which the employee was employed immediately before the employee was discharged.

(d) An employee who is discharged, disciplined, or otherwise penalized in violation of this section may bring a civil action against the employer to enforce rights protected by this

1 subchapter. An employee who prevails in such an action is entitled
2 to recover:

3 (1) lost wages and any other compensation lost as a
4 result of the employee being discharged, disciplined, or penalized;

5 (2) reinstatement to the same position or status the
6 employee held immediately before the employee was discharged,
7 disciplined, or penalized; and

8 (3) reasonable attorney's fees.

9 (e) This section does not prohibit an employer from
10 prohibiting an employee from carrying a firearm on the premises of
11 the employer's business. In this subsection, "premises" has the
12 meaning assigned by Section 46.035(f), Penal Code.

13 (f) This section does not authorize a person to carry a
14 firearm on any property where the carrying of a firearm is
15 prohibited by state or federal law.

16 (g) A public or private employer is not liable in a civil
17 action for damages resulting from an occurrence involving the
18 storage of a firearm in the motor vehicle of an employee.

19 SECTION 2. Section 411.203, Government Code, is amended to
20 read as follows:

21 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does
22 not prevent or otherwise limit the right of a public or private
23 employer to prohibit persons who are licensed under this subchapter
24 from carrying a concealed handgun on the premises of the business.
25 In this section, "premises" has the meaning assigned by Section
26 46.035(f), Penal Code.

27 SECTION 3. The change in law made by this Act applies only

1 to a cause of action that accrues on or after the effective date of
2 this Act. A cause of action that accrues before that date is
3 governed by the law as it existed immediately before the effective
4 date of this Act, and that law is continued in effect for that
5 purpose.

6 SECTION 4. This Act takes effect September 1, 2007.