

By: Frost

H.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

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 PROHIBITING EMPLOYEE TRANSPORTATION OR STORAGE OF CERTAIN FIREARMS OR AMMUNITION

Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO OR STORAGE OF FIREARM OR AMMUNITION. (a) A public or private employer may not prohibit an employee who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition from transporting or storing a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees.

(b) Except in cases of gross negligence, a public or private employer or the employer's agent is not liable in a civil action, other than a civil action based on a violation of Subsection (a), for damages resulting from or arising out of an occurrence involving a firearm or ammunition transported or stored in accordance with this section.

1       (c) This section does not prohibit a public or private  
2 employer from adopting a policy requiring that any firearm  
3 described by Subsection (a), while on property controlled by the  
4 employer, must be stored in a locked, privately owned motor vehicle  
5 and hidden from plain view or locked in a case or container located  
6 in the vehicle while the vehicle is unattended.

7       (d) This section does not prohibit a public or private  
8 employer from prohibiting an employee who holds a license to carry a  
9 concealed handgun under Subchapter H, Chapter 411, Government Code,  
10 or who otherwise lawfully possesses a firearm, from transporting or  
11 storing a firearm the employee is authorized by law to possess in a  
12 locked, privately owned motor vehicle in a parking area the  
13 employer provides employees if:

14               (1) access to the parking area is restricted or  
15 limited through the use of a fence, gate, security station, sign, or  
16 other means of restricting or limiting general public access; and

17               (2) the employer provides:

18                       (A) an alternative location on the employer's  
19 property for the employee to securely store the employee's unloaded  
20 firearm while on the employer's property; or

21                       (B) an alternative parking area reasonably close  
22 to the main parking area in which employees and other persons may  
23 transport or store firearms in locked, privately owned motor  
24 vehicles.

25       (e) This section does not prohibit an employer from  
26 prohibiting an employee who holds a license to carry a concealed  
27 handgun under Subchapter H, Chapter 411, Government Code, or who

1 otherwise lawfully possesses a firearm, from possessing a firearm  
2 the employee is otherwise authorized by law to possess on the  
3 premises of the employer's business. In this subsection,  
4 "premises" has the meaning assigned by Section 46.035(f)(3), Penal  
5 Code.

6 (f) This section does not apply to a vehicle owned or leased  
7 by a public or private employer and used by an employee in the  
8 course and scope of the employee's employment, unless the employee  
9 is required to transport or store a firearm in the official  
10 discharge of the employee's duties.

11 (g) This section does not authorize a person who holds a  
12 license to carry a concealed handgun under Subchapter H, Chapter  
13 411, Government Code, who otherwise lawfully possesses a firearm,  
14 or who lawfully possesses ammunition to possess a firearm or  
15 ammunition on any property where the possession of a firearm or  
16 ammunition is prohibited by state or federal law.

17 SECTION 2. Section 411.203, Government Code, is amended to  
18 read as follows:

19 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does  
20 not prevent or otherwise limit the right of a public or private  
21 employer to prohibit persons who are licensed under this subchapter  
22 from carrying a concealed handgun on the premises of the business.  
23 In this subsection, "premises" has the meaning assigned by Section  
24 46.035(f)(3), Penal Code.

25 SECTION 3. The change in law made by this Act applies only  
26 to a cause of action that accrues on or after the effective date of  
27 this Act. A cause of action that accrues before that date is

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1 governed by the law as it existed immediately before the effective  
2 date of this Act, and that law is continued in effect for that  
3 purpose.

4 SECTION 4. This Act takes effect November 1, 2009.