

By: Hegar, et al.

S.B. No. 730

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 on the employer's property.

(b) Except in cases of gross negligence, a public or private employer or the employer's agent is not liable in a civil action for personal injury, death, property damage, or any other damages resulting from or arising out of an occurrence involving a firearm or ammunition transported or stored in accordance with this

1 section, including an action for damages arising from the theft of
2 the firearm or ammunition or the use of the firearm or ammunition by
3 a person other than the employee authorized by this section to
4 transport or store the firearm or ammunition. The presence of a
5 firearm or ammunition transported or stored in the manner and in a
6 location described by Subsection (a) does not by itself constitute
7 a failure by the employer to provide a safe workplace.

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

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

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

24 (2) the employer provides:

25 (A) an alternative location on the employer's
26 property for the employee to securely store the employee's unloaded
27 firearm while on the employer's property; or

1 (B) an alternative parking area reasonably close
2 to the main parking area in which employees and other persons may
3 transport or store firearms in locked, privately owned motor
4 vehicles.

5 (e) This section does not prohibit an employer from
6 prohibiting an employee who holds a license to carry a concealed
7 handgun under Subchapter H, Chapter 411, Government Code, or who
8 otherwise lawfully possesses a firearm, from possessing a firearm
9 the employee is otherwise authorized by law to possess on the
10 premises of the employer's business. In this subsection,
11 "premises" has the meaning assigned by Section 46.035(f)(3), Penal
12 Code.

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

18 (g) This section does not authorize a person who holds a
19 license to carry a concealed handgun under Subchapter H, Chapter
20 411, Government Code, who otherwise lawfully possesses a firearm,
21 or who lawfully possesses ammunition to possess a firearm or
22 ammunition on any property where the possession of a firearm or
23 ammunition is prohibited by state or federal law.

24 (h) This section does not apply to:

- 25 (1) a school district;
26 (2) an open-enrollment charter school, as defined by
27 Section 5.001, Education Code; or

1 (3) a private school, as defined by Section 22.081,
2 Education Code.

3 SECTION 2. Section 411.203, Government Code, is amended to
4 read as follows:

5 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does
6 not prevent or otherwise limit the right of a public or private
7 employer to prohibit persons who are licensed under this subchapter
8 from carrying a concealed handgun on the premises of the business.
9 In this subsection, "premises" has the meaning assigned by Section
10 46.035(f)(3), Penal Code.

11 SECTION 3. The change in law made by this Act applies only
12 to a cause of action that accrues on or after the effective date of
13 this Act. A cause of action that accrues before that date is
14 governed by the law as it existed immediately before the effective
15 date of this Act, and that law is continued in effect for that
16 purpose.

17 SECTION 4. This Act takes effect September 1, 2009.