

By: Hegar, et al.

S.B. No. 730

Substitute the following for S.B. No. 730:

By: Frost

C.S.S.B. No. 730

A BILL TO BE ENTITLED

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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.

(b) Other than in a civil action based on a violation of Subsection (a), a public or private employer or the employer's principal, officer, director, or 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 section, including an action for damages resulting from or arising

1 out of the theft of the firearm or ammunition or the use of the  
2 firearm or ammunition by a person other than the employee  
3 authorized by this section to transport or store the firearm or  
4 ammunition. The presence of a firearm or ammunition transported or  
5 stored in the manner and in a location described by Subsection (a)  
6 does not by itself constitute a failure by the employer to provide a  
7 safe workplace. For purposes of this section, a public or private  
8 employer or the employer's principal, officer, director, or agent  
9 does not have a duty:

10 (1) to patrol, inspect, or secure:

11 (A) any parking lot, parking garage, or other  
12 parking area the employer provides for employees; or

13 (B) any privately owned motor vehicle located in  
14 such a parking lot, parking garage, or other parking area; or

15 (2) to investigate, confirm, or determine an  
16 employee's compliance with laws related to the transportation and  
17 storage of a firearm or ammunition in a privately owned motor  
18 vehicle.

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

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

1 or who otherwise lawfully possesses a firearm, from transporting or  
2 storing a firearm the employee is authorized by law to possess in a  
3 locked, privately owned motor vehicle in a parking area the  
4 employer provides employees if:

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

8 (2) the employer provides:

9 (A) an alternative location on the employer's  
10 property for the employee to securely store the employee's unloaded  
11 firearm while on the employer's property; or

12 (B) an alternative parking area reasonably close  
13 to the main parking area in which employees and other persons may  
14 transport or store firearms in locked, privately owned motor  
15 vehicles.

16 (e) This section does not prohibit an employer from  
17 prohibiting an employee who holds a license to carry a concealed  
18 handgun under Subchapter H, Chapter 411, Government Code, or who  
19 otherwise lawfully possesses a firearm, from possessing a firearm  
20 the employee is otherwise authorized by law to possess on the  
21 premises of the employer's business. In this subsection,  
22 "premises" has the meaning assigned by Section 46.035(f)(3), Penal  
23 Code.

24 (f) This section does not apply to a vehicle owned or leased  
25 by a public or private employer and used by an employee in the  
26 course and scope of the employee's employment, unless the employee  
27 is required to transport or store a firearm in the official

1 discharge of the employee's duties.

2 (g) This section does not authorize a person who holds a  
3 license to carry a concealed handgun under Subchapter H, Chapter  
4 411, Government Code, who otherwise lawfully possesses a firearm,  
5 or who lawfully possesses ammunition to possess a firearm or  
6 ammunition on any property where the possession of a firearm or  
7 ammunition is prohibited by state or federal law.

8 (h) This section does not apply to:

9 (1) a school district;

10 (2) an open-enrollment charter school, as defined by  
11 Section 5.001, Education Code;

12 (3) a private school, as defined by Section 22.081,  
13 Education Code; or

14 (4) property owned or leased by an employer who is  
15 required to submit a risk management plan under Section 112(r) of  
16 the federal Clean Air Act (42 U.S.C. Section 7412) and on which the  
17 primary business conducted is the manufacture, use, storage, or  
18 transportation of hazardous, combustible, or explosive materials  
19 regulated under state or federal law.

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

22 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does  
23 not prevent or otherwise limit the right of a public or private  
24 employer to prohibit persons who are licensed under this subchapter  
25 from carrying a concealed handgun on the premises of the business.  
26 In this subsection, "premises" has the meaning assigned by Section  
27 46.035(f)(3), Penal Code.

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

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