

By: Lozano

H.B. No. 954

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 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.

Sec. 52.062. EXCEPTIONS. (a) Section 52.061 does not:

(1) prohibit a public or private employer from adopting a policy requiring that any firearm described by Section 52.061, while on property controlled by the employer, must be stored in a locked, privately owned motor vehicle and hidden from plain view or locked in a case or container located in the vehicle

1 while the vehicle is unattended;

2 (2) prohibit a public or private employer from  
3 prohibiting an employee who holds a license to carry a concealed  
4 handgun under Subchapter H, Chapter 411, Government Code, or who  
5 otherwise lawfully possesses a firearm, from transporting or  
6 storing a firearm the employee is authorized by law to possess in a  
7 locked, privately owned motor vehicle in a parking area the  
8 employer provides employees if:

9 (A) access to the parking area is restricted or  
10 limited through the use of a fence, gate, security station, sign, or  
11 other means of restricting or limiting general public access; and

12 (B) the employer provides:

13 (i) an alternative location on the  
14 employer's property for the employee to securely store the  
15 employee's unloaded firearm while on the employer's property; or

16 (ii) an alternative parking area reasonably  
17 close to the main parking area in which employees and other persons  
18 may transport or store firearms in locked, privately owned motor  
19 vehicles;

20 (3) authorize a person who holds a license to carry a  
21 concealed handgun under Subchapter H, Chapter 411, Government Code,  
22 who otherwise lawfully possesses a firearm, or who lawfully  
23 possesses ammunition to possess a firearm or ammunition on any  
24 property where the possession of a firearm or ammunition is  
25 prohibited by state or federal law; or

26 (4) apply to a vehicle owned or leased by a public or  
27 private employer and used by an employee in the course and scope of

1 the employee's employment, unless the employee is required to  
2 transport or store a firearm in the official discharge of the  
3 employee's duties.

4 (b) Section 52.061 does not prohibit an employer from  
5 prohibiting an employee who holds a license to carry a concealed  
6 handgun under Subchapter H, Chapter 411, Government Code, or who  
7 otherwise lawfully possesses a firearm, from possessing a firearm  
8 the employee is otherwise authorized by law to possess on the  
9 premises of the employer's business. In this subsection,  
10 "premises" has the meaning assigned by Section 46.035(f)(3), Penal  
11 Code.

12 Sec. 52.063. IMMUNITY FROM CIVIL LIABILITY. Except in  
13 cases of gross negligence, a public or private employer or the  
14 employer's agent is not liable in a civil action, other than a civil  
15 action based on a violation of Section 52.061, for damages  
16 resulting from or arising out of an occurrence involving a firearm  
17 or ammunition transported or stored in accordance with Section  
18 52.061.

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)(3), 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, 2011.