

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: H2/22/13 H2/27/13 H3/8/13*
89th General Assembly **A Bill**
Regular Session, 2013

HOUSE BILL 1269

By: Representative Catlett

For An Act To Be Entitled

AN ACT TO ALLOW A CONCEALED HANDGUN LICENSEE TO KEEP
A HANDGUN IN HIS OR HER LOCKED VEHICLE ON HIS OR HER
EMPLOYER'S PARKING LOT; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW A CONCEALED HANDGUN LICENSEE TO
KEEP A HANDGUN IN HIS OR HER LOCKED
VEHICLE ON HIS OR HER EMPLOYER'S PARKING
LOT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended
to add a new section to read as follows:

5-73-322. Licensee rights.

(a) A public or private employer shall not prohibit any employee who is a licensee from possessing any legally owned handgun when the handgun is lawfully possessed and locked inside a private motor vehicle in a parking lot.

(b) A public or private employer shall not condition employment upon either:

(1) The fact that an employee or prospective employee holds or does not hold a valid concealed handgun license; or

(2) An agreement by an employee or a prospective employee who is a licensee that prohibits the employee or prospective employee from keeping a handgun locked inside a private motor vehicle in a parking lot when the handgun is kept for lawful purposes.



(c) A public or private employer shall not prohibit or attempt to prevent any employee who is a licensee from entering the parking lot of the employer's place of business because the employee's private motor vehicle contains a handgun kept for lawful purposes and the handgun is out of sight within the employee's private motor vehicle.

(d) A public or private employer shall not terminate the employment of or otherwise discriminate against an employee for exercising his or her constitutional right to keep and bear arms or for exercising the right of self-defense so long as a handgun is not exhibited on the employer's property for any reason other than lawful defensive purposes.

(e) This section does not apply to:

(1) A prohibited place specifically listed in § 5-73-306(1)-(18);

(2) Property owned or controlled by a person other than the employer that is subject to a valid, unexpired oil, gas, or other mineral lease that contains a provision prohibiting the possession of a handgun on the property; or

(3) Property owned or leased:

(A) By a chemical manufacturer or oil and gas refiner; and

(B) On which the primary business conducted is the manufacture, use, storage, or transportation of hazardous, combustible, or explosive materials.

(f)(1) A public or private employer or the employer's principal, officer, director, employee, 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 handgun that the public or private employer is required to allow on the public or private employer's property under this section.

(2) The presence of a handgun on a public or private employer's property under this section does not by itself constitute a failure by the public or private employer to provide a safe workplace.

(g) Under this section, a public or private employer or the public or private employer's principal, officer, director, employee, or agent does not have a duty:

(1) To patrol, inspect, or secure:

(A) A parking lot, parking garage, or other parking area

the public or private employer provides for employees; or

(B) A privately owned motor vehicle located in a parking lot, parking garage, or other parking area; or

(2) To investigate, confirm, or determine an employee's compliance with laws related to the ownership or possession of a handgun or the transportation and storage of a handgun.

(h) This section does not limit or alter the personal liability of:

(1) A person who causes harm or injury by using a handgun;

(2) A person who aids, assists, or encourages another person to cause harm or injury by using a handgun; or

(3) An employee who transports or stores a handgun on the property of the employee's employer but who fails to comply with the requirements of this section.

(i)(1) For employees of the Department of Human Services, the department may establish policies to comply with this section.

(2) However, the department may disallow an employee who is a licensee to keep a handgun in his or her locked vehicle if the employee is a person who participates in or conducts certain activities that require a high degree of safety consideration such as transporting:

(A) Children;

(B) Endangered or impaired adults; or

(C) Persons with a disability or mental illness.

/s/Catlett