

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 492

By: Senator Hickey
By: Representative Vaught

For An Act To Be Entitled

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

Subtitle

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

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

SECTION 1. DO NOT CODIFY. Legislative intent.

(a) It is the intent of this act to reinforce and protect the right of each citizen lawfully to transport and store a handgun within his or her private motor vehicle for lawful purposes in any place where the private motor vehicle is otherwise permitted to be located.

(b) This act is to be liberally construed to enable this purpose.

SECTION 2. Arkansas Code § 5-73-306(19), concerning prohibited places for the carrying of a concealed handgun, is amended to read as follows:

(19)(A)(i) Any place at the discretion of the person or entity exercising control over the physical location of the place by placing at each entrance to the place a written notice clearly readable at a distance of not



less than ten feet (10') that "carrying a handgun is prohibited".

(ii)(a) If the place does not have a roadway entrance, there shall be a written notice placed anywhere upon the premises of the place.

(b) In addition to the requirement of subdivision (19)(A)(ii)(a) of this section, there shall be at least one (1) written notice posted within every three (3) acres of a place with no roadway entrance.

(iii) A written notice as described in subdivision (19)(A)(i) of this section is not required for a private home.

(iv) Any licensee entering a private home shall notify the occupant that the licensee is carrying a concealed handgun.

(B) Subdivision (19)(A) of this section does not apply if the physical location is a public university, public college, or community college, as defined in § 5-73-322, and the licensee is carrying a concealed handgun as provided under § 5-73-322.

(C) Subdivision (19)(A) of this section does not apply if the physical location is a parking lot of a private employer and the licensee is carrying a concealed handgun as provided under § 5-73-324.

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

5-73-324. Licensee rights – Employer parking lot.

(a)(1) A private employer shall not prohibit any employee who is a licensee from possessing any legally owned handgun when:

(A) The handgun:

(i) Is lawfully possessed;

(ii) Is locked inside a private motor vehicle in the private employer's parking lot; and

(iii) Is locked inside a personal handgun storage container that is designed for the safe storage of a handgun; and

(B) The employee has in his or her possession the key to the personal handgun storage container as required by subdivision (a)(1)(A)(iii) of this section, if the personal handgun storage container requires a key.

(2) An employee is not required to store the handgun in the

personal handgun storage container until he or she has exited his or her private motor vehicle.

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

(c) This section does not apply to:

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

(2) An employer who permits an employee to possess a legally owned handgun in his or her private motor vehicle.

(d) The prohibitions under subsection (a) of this section do not apply if:

(1) The motor vehicle is on the grounds of an owner-occupied single-family detached residence or a tenant-occupied single-family detached residence;

(2) The private employer reasonably believes that the person is in illegal possession of the handgun;

(3) The person is an employee operating an employer-owned motor vehicle during and in the course of the employee's duties on behalf of the private employer; or

(4) The motor vehicle is not permitted on the property for reasons unrelated to its operator's transportation, storage, or possession of a handgun.

(e) A former employee who possesses a handgun in his or her private motor vehicle under this section is not criminally liable for possessing the handgun in his or her private motor vehicle in his or her former private employer's parking lot while the former employee is physically leaving the parking lot immediately following his or her termination or other reason for ceasing employment with the former private employer.

SECTION 4. Arkansas Code Title 16, Chapter 120, Subchapter 1, is amended to add an additional section to read as follows:

16-120-106. Possession of a concealed handgun in a parking lot.

(a) A business entity, owner or legal possessor of property, or

private employer is not liable in any civil action for damages, injuries, or death resulting from or arising out of another person's actions involving a handgun transported or stored under § 5-73-324(a), including without limitation the theft of a handgun from an employee's motor vehicle, unless the business entity, owner or legal possessor of property, or private employer intentionally solicited or procured the other person's actions.

(b)(1) A person who is injured or incurs damages, or the survivors of a person killed, as a result of a violation of § 5-73-324(a), may bring a civil action against a business entity, owner or legal possessor of property, or private employer who committed or caused the violation.

(2) A person who is denied the opportunity to transport or store a handgun by a policy or rule prohibited by § 5-73-324(a) may bring a civil action to enjoin a business entity, owner or legal possessor of property, or private employer from violating § 5-73-324(a).

(3) In an action brought under this section, court costs and attorney fees shall be awarded to the plaintiff if he or she prevails.

(c)(1) An employee discharged by a private employer for a violation of a policy or rule prohibited by § 5-73-324(a) is entitled to full recovery as follows:

(A) Reinstatement to the same position held at the time of his or her termination from employment or to an equivalent position;

(B) Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate;

(C) Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the termination; and

(D) Payment of reasonable attorney's fees and legal costs incurred.

(2) If the demand for the recovery under subdivision (c)(1) of this section is denied, the employee may bring a civil action against the private employer and is entitled to the remedies as described under subdivision (c)(1) of this section.