

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 492

5 By: Senator Hickey
6 By: Representative Vaught
7

For An Act To Be Entitled

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

15 TO ALLOW A CONCEALED HANDGUN LICENSEE TO
16 KEEP A HANDGUN IN HIS OR HER LOCKED
17 PRIVATE MOTOR VEHICLE ON HIS OR HER
18 EMPLOYER'S PARKING LOT IN CERTAIN
19 CIRCUMSTANCES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. DO NOT CODIFY. Legislative intent.

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

30 (b) This act is to be liberally construed to enable this purpose.
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32 SECTION 2. Arkansas Code § 5-73-306(19), concerning prohibited places
33 for the carrying of a concealed handgun, is amended to read as follows:

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



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

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

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

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

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

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

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

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

23 5-73-324. Licensee rights – Employer parking lot.

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

26 (A) The handgun:

27 (i) Is lawfully possessed;

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

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

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

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

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

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

8 (c) This section does not apply to:

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

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

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

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

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

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

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

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

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

35 16-120-106. Possession of a concealed handgun in a parking lot.

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

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

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

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

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

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

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

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

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

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

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

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