

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 288

By: Dossett

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5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,  
8 Section 1290.22, as last amended by Section 2,  
9 Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2016, Section  
10 1290.22), which relates to business owner's rights;  
11 prohibiting certain acts; modifying inclusions;  
12 authorizing certain action; stating certain  
13 liability; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.22, as  
16 last amended by Section 2, Chapter 18, O.S.L. 2016 (21 O.S. Supp.  
17 2016, Section 1290.22), is amended to read as follows:

18 Section 1290.22.

19 BUSINESS OWNER'S RIGHTS

20 A. Except as provided in subsections B, C, ~~and~~ D and I of this  
21 section, nothing contained in any provision of the Oklahoma Self-  
22 Defense Act shall be construed to limit, restrict or prohibit in any  
23 manner the existing rights of any person, property owner, tenant,  
24 employer, place of worship or business entity to control the  
possession of weapons on any property owned or controlled by the  
person or business entity.

1 B. No person, property owner, tenant, employer, holder of an  
2 event permit, place of worship or business entity shall be permitted  
3 to establish any policy or rule that has the effect of prohibiting  
4 any person, except a convicted felon, from transporting and storing  
5 firearms in a locked vehicle on any property set aside for any  
6 vehicle.

7 C. A property owner, tenant, employer, place of worship or  
8 business entity may prohibit any person from carrying a concealed or  
9 unconcealed firearm on the property. If the building or property is  
10 open to the public, the property owner, tenant, employer, place of  
11 worship or business entity shall post signs on or about the property  
12 stating such prohibition.

13 D. No person, property owner, tenant, employer, holder of an  
14 event permit, place of worship or business entity shall be permitted  
15 to establish any policy or rule that has the effect of prohibiting  
16 any person from carrying a concealed or unconcealed firearm on  
17 property within the specific exclusion provided for in paragraph 4  
18 of subsection B of Section 1277 of this title; provided that  
19 carrying a concealed or unconcealed firearm may be prohibited in the  
20 following places:

21 1. The portion of a public property structure or building  
22 during an event authorized by the city, town, county, state or  
23 federal governmental authority owning or controlling such building  
24 or structure;

1        2. Any public property sports field, including any adjacent  
2 seating or adjacent area set aside for viewing a sporting event,  
3 where an elementary or secondary school, collegiate, or professional  
4 sporting event or an International Olympic Committee or organization  
5 or any committee subordinate to the International Olympic Committee  
6 event is being held;

7        3. The fairgrounds during the Oklahoma State Fair or the Tulsa  
8 State Fair; and

9        4. The portion of a public property structure or building that  
10 is leased or under contract to a business or not-for-profit entity  
11 or group for offices.

12        E. The carrying of a concealed or unconcealed firearm by a  
13 person who has been issued a handgun license on property that has  
14 signs prohibiting the carrying of firearms shall not be deemed a  
15 criminal act but may subject the person to being denied entrance  
16 onto the property or removed from the property. If the person  
17 refuses to leave the property and a peace officer is summoned, the  
18 person may be issued a citation for an amount not to exceed Two  
19 Hundred Fifty Dollars (\$250.00).

20        F. A person, property owner, tenant, employer, holder of an  
21 event permit, place of worship or business entity that ~~does or~~ does  
22 not prohibit any individual except a convicted felon from carrying a  
23 loaded or unloaded, concealed or unconcealed weapon on property that  
24 the person, property owner, tenant, employer, holder of an event

1 permit, place of worship or business entity owns, or has legal  
2 control of, is immune from any liability arising from that decision.  
3 Except for acts of gross negligence or willful or wanton misconduct,  
4 an employer who ~~does or~~ does not prohibit their employees from  
5 carrying a concealed or unconcealed weapon is immune from any  
6 liability arising from that decision. A person, property owner,  
7 tenant, employer, holder of an event permit, place of worship or  
8 business entity that does not prohibit persons from carrying a  
9 concealed or unconcealed weapon pursuant to subsection D of this  
10 section shall be immune from any liability arising from the carrying  
11 of a concealed or unconcealed weapon on the property or in a  
12 business entity vehicle. The provisions of this subsection shall  
13 not apply to claims pursuant to the Administrative Workers'  
14 Compensation Act.

15 G. It shall not be considered part of an employee's job  
16 description or within the employee's scope of employment if an  
17 employee is allowed to carry or discharge a weapon pursuant to this  
18 section.

19 H. Nothing in subsections F, and G and I shall prevent an  
20 employer, employee or person who has suffered loss resulting from  
21 the discharge of a weapon to seek redress or damages of the person  
22 who discharged the weapon or used the weapon outside the provisions  
23 of the Oklahoma Self-Defense Act.

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1        I. 1. Any handgun license holder, pursuant to the provision of  
2 the Oklahoma Self Defense Act and who is an authorized driver for a  
3 company, who is injured, suffers bodily injury or death in the scope  
4 of employment, incurs economic loss or expense, property damage, or  
5 any other compensable loss as the result of conduct of another  
6 person, shall have a cause of action against the employer. In  
7 addition to damages, the person shall be entitled to reasonable  
8 attorney fees, expert witness costs and other costs necessary to  
9 bring the cause of action.

10        2. The statute of limitations for such a self-defense action  
11 shall be two (2) years from the date of the occurrence giving rise  
12 to the damages, loss or injury.

13        3. To prevail in an action brought under this section, the  
14 plaintiff must show by a preponderance of the evidence that:

15            a. the plaintiff was authorized to carry a handgun  
16            pursuant to the provisions of the Oklahoma Self  
17            Defense Act at the time of the incident giving rise to  
18            the self-defense action,

19            b. the plaintiff was prohibited from carrying a firearm  
20            for self-defense or in the vicinity of a company  
21            vehicle where the incident occurred because of company  
22            policy, and

1 c. the company policy to prohibit the carry of a firearm  
2 for self-defense was not required by state or federal  
3 law but was endorsed by choice of the business entity.

4 d. the business entity may elect to have any or all the  
5 following requirements in a policy. If a driver  
6 refuses to provide any of the following information  
7 requested, the business may prohibit the carry by a  
8 driver and the business entity is immune from  
9 liability from civil action of the driver in a self-  
10 defense incident:

11 (1) the driver must sign a waiver acknowledging the  
12 business entity is not legally obligated to  
13 provide any legal representation for the driver  
14 and that the driver is held criminally and or  
15 civilly liable in a drivers self-defense  
16 incident;

17 (2) the driver may be required to acknowledge in  
18 writing the rules of expected conduct of the  
19 driver, including the requirement that the  
20 firearm be concealed carried while working in the  
21 scope of employment;

22 (3) all personal firearms and related equipment are  
23 the sole responsibility of the driver and the  
24

1 business entity is immune from loss or damage of  
2 such equipment;

3 (4) a photocopy of a valid handgun license or renewal  
4 must be provided for the employees personnel  
5 file;

6 (5) business entity has the right to require the  
7 employee, at the expense of the employee, to have  
8 or install a tethered or permanent security lock  
9 box designed to hold firearm in vehicle while  
10 vehicle and firearm are left unattended;

11 4. The company may elect to have the driver sign a waiver  
12 acknowledging the business entity is not legally obligated to  
13 provide any legal representation for the driver and the driver is  
14 held criminally and or civilly liable in a self-defense incident.  
15 The acknowledgment of rules of conduct expected for the driver may  
16 be in writing and include requiring the carry of a firearm to be  
17 concealed while working on the business entity's provided work  
18 schedule and a provision to require a copy of a valid handgun  
19 license be provided for a personnel file.

20 5. This subsection shall be liberally construed to effectuate  
21 its purpose.

22 6. It shall not be considered part of a driver's job  
23 description or within the driver's scope of employment if a driver  
24 is allowed to carry or discharge a weapon pursuant to this section.

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SECTION 2. This act shall become effective November 1, 2017.

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