

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 33

5 By: Senator Hickey
6

For An Act To Be Entitled

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

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

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

29 (b) This act is to be liberally construed to enable this purpose.
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31 SECTION 2. Arkansas Code § 5-73-306(18), concerning prohibited places
32 for the carrying of a concealed handgun, is amended to read as follows:

33 (18)(A)(i) Any place at the discretion of the person or entity
34 exercising control over the physical location of the place by placing at each
35 entrance to the place a written notice clearly readable at a distance of not
36 less than ten feet (10’) that “carrying a handgun is prohibited”.



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

4 (b) In addition to the requirement of
5 subdivision (18)(A)(ii)(a) of this section, there shall be at least one (1)
6 written notice posted within every three (3) acres of a place with no roadway
7 entrance.

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

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

12 (B) Subdivision (18)(A) of this section does not apply if
13 the physical location is:

14 (i) A public university, public college, or
15 community college, as defined in § 5-73-322, and the licensee is carrying a
16 concealed handgun as provided under § 5-73-322; ~~or~~

17 (ii) A publicly owned and maintained parking lot if
18 the licensee is carrying a concealed handgun in his or her motor vehicle or
19 has left the concealed handgun in his or her locked and unattended motor
20 vehicle; or

21 (iii) A parking lot of a private employer and the
22 licensee is carrying a concealed handgun as provided under § 5-73-324.

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

26 5-73-324. Licensee rights – Employer parking lot.

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

29 (1) The handgun:

30 (A) Is lawfully possessed;

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

33 (C)(i) Is inside a locked personal handgun storage
34 container that is designed for the safe storage of a handgun.

35 (ii) An employee is not required to store the
36 handgun in the personal handgun storage container as required in subdivision

1 (a)(1)(C)(i) of this section until he or she is exiting his or her private
2 motor vehicle; and

3 (2) The employee has in his or her possession the key to the
4 personal handgun storage container as required by subdivision (a)(1)(C)(i) of
5 this section, if the personal handgun storage container requires a key.

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

11 (c) This section does not apply if:

12 (1) The parking lot is a prohibited place specifically listed in
13 § 5-73-306;

14 (2) The private employer otherwise permits an employee to
15 possess a legally owned handgun in his or her private motor vehicle
16 consistent with this section.

17 (3) The parking lot is on the grounds of an owner-occupied
18 single-family detached residence or a tenant-occupied single-family detached
19 residence;

20 (4) The private employer reasonably believes that the employee
21 is in illegal possession of the handgun;

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

25 (6) The private motor vehicle is not permitted in the parking
26 lot for reasons unrelated to the employee's transportation, storage, or
27 possession of a handgun.

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

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35 SECTION 4. Arkansas Code Title 16, Chapter 118, is amended to add an
36 additional section to read as follows:

1 16-118-113. Civil actions regarding violations of § 5-73-324.

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

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

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

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

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

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

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

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

25 (c) In a civil action brought under this section, court costs and
26 attorney's fees shall be awarded to the plaintiff if he or she prevails.

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28 SECTION 5. Arkansas Code Title 16, Chapter 120, Subchapter 8, is
29 amended to add an additional section to read as follows:

30 16-120-802. Possession of a concealed handgun in a parking lot.

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

1 intentionally solicited or procured the other person's actions.

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