

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H2/22/13 H2/27/13

A Bill

HOUSE BILL 1269

5 By: Representative Catlett
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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 VEHICLE ON HIS OR HER
10 EMPLOYER'S PARKING LOT; AND FOR OTHER PURPOSES.
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Subtitle

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14 TO ALLOW A CONCEALED HANDGUN LICENSEE TO
15 KEEP A HANDGUN IN HIS OR HER LOCKED
16 VEHICLE ON HIS OR HER EMPLOYER'S PARKING
17 LOT.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended
23 to add a new section to read as follows:

24 5-73-322. Licensee rights.

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

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

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

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



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

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

11 (e) This section does not apply to:

12 (1) A prohibited place specifically listed in § 5-73-306(1)-
13 (18);

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

18 (3) Property owned or leased:

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

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

23 (f)(1) A public or private employer or the employer's principal,
24 officer, director, employee, or agent is not liable in a civil action for
25 personal injury, death, property damage, or any other damages resulting from
26 or arising out of an occurrence involving a handgun that the public or
27 private employer is required to allow on the public or private employer's
28 property under this section.

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

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

35 (1) To patrol, inspect, or secure:

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

1 the public or private employer provides for employees; or

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

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

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

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

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

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

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17 /s/Catlett
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