

By: Hegar, Birdwell, et al.
(Kleinschmidt)

S.B. No. 321

Substitute the following for S.B. No. 321:

By: Quintanilla

C.S.S.B. No. 321

A BILL TO BE ENTITLED

AN ACT

relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 52, Labor Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. RESTRICTIONS ON PROHIBITING EMPLOYEE TRANSPORTATION OR STORAGE OF CERTAIN FIREARMS OR AMMUNITION

Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer may not prohibit an employee who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition from transporting or storing a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees.

Sec. 52.062. EXCEPTIONS. (a) Section 52.061 does not:

(1) authorize a person who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition to possess a firearm or ammunition on any property where the possession of a firearm or ammunition is

1 prohibited by state or federal law; or

2 (2) apply to:

3 (A) a vehicle owned or leased by a public or
4 private employer and used by an employee in the course and scope of
5 the employee's employment, unless the employee is required to
6 transport or store a firearm in the official discharge of the
7 employee's duties;

8 (B) a school district;

9 (C) an open-enrollment charter school, as
10 defined by Section 5.001, Education Code;

11 (D) a private school, as defined by Section
12 22.081, Education Code;

13 (E) property owned or controlled by a person,
14 other than the employer, that is subject to a valid, unexpired oil,
15 gas, or other mineral lease executed before September 1, 2011, that
16 contains a provision prohibiting the possession of firearms on the
17 property; or

18 (F) property owned or leased by a chemical
19 manufacturer or oil and gas refiner with an air authorization under
20 Chapter 382, Health and Safety Code, and on which the primary
21 business conducted is the manufacture, use, storage, or
22 transportation of hazardous, combustible, or explosive materials,
23 except in regard to an employee who holds a license to carry a
24 concealed handgun under Subchapter H, Chapter 411, Government Code,
25 and who stores the handgun in a locked, privately owned motor
26 vehicle in a parking lot, parking garage, or other parking area the
27 employer provides for employees that is outside of a secured and

1 restricted area:

- 2 (i) that contains the physical plant;
3 (ii) that is not open to the public; and
4 (iii) the ingress into which is constantly
5 monitored by security personnel.

6 (b) Section 52.061 does not prohibit an employer from
7 prohibiting an employee who holds a license to carry a concealed
8 handgun under Subchapter H, Chapter 411, Government Code, or who
9 otherwise lawfully possesses a firearm, from possessing a firearm
10 the employee is otherwise authorized by law to possess on the
11 premises of the employer's business. In this subsection,
12 "premises" has the meaning assigned by Section 46.035(f)(3), Penal
13 Code.

14 Sec. 52.063. IMMUNITY FROM CIVIL LIABILITY. Except in
15 cases of gross negligence, a public or private employer or the
16 employer's agent is not liable in a civil action for personal
17 injury, death, property damage, or any other damages resulting from
18 or arising out of an occurrence involving a firearm or ammunition
19 transported or stored in accordance with Section 52.061, including
20 an action for damages arising from the theft of the firearm or
21 ammunition or the use of the firearm or ammunition by a person other
22 than the employee authorized by Section 52.061 to transport or
23 store the firearm or ammunition. The presence of a firearm or
24 ammunition transported or stored in the manner and in a location
25 described by Section 52.061 does not by itself constitute a failure
26 by the employer to provide a safe workplace.

27 SECTION 2. Section 411.203, Government Code, is amended to

1 read as follows:

2 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does
3 not prevent or otherwise limit the right of a public or private
4 employer to prohibit persons who are licensed under this subchapter
5 from carrying a concealed handgun on the premises of the business.
6 In this section, "premises" has the meaning assigned by Section
7 46.035(f)(3), Penal Code.

8 SECTION 3. The change in law made by this Act applies only
9 to a cause of action that accrues on or after the effective date of
10 this Act. A cause of action that accrues before that date is
11 governed by the law as it existed immediately before the effective
12 date of this Act, and that law is continued in effect for that
13 purpose.

14 SECTION 4. This Act takes effect September 1, 2011.