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2 93rd General Assembly
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4

A Bill

SENATE BILL 555

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE POSSESSION OR STORAGE OF A
9 PERSON'S FIREARM WHEN A PERSON LEAVES HIS OR HER
10 FIREARM INSIDE OF HIS OR HER CAR IN HIS OR HER
11 EMPLOYER'S PARKING LOT; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 CONCERNING THE POSSESSION OR STORAGE OF A
15 PERSON'S FIREARM WHEN A PERSON LEAVES HIS
16 OR HER FIREARM INSIDE OF HIS OR HER CAR
17 IN HIS OR HER EMPLOYER'S PARKING LOT.
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20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 5-73-306(18), concerning prohibited places
24 where a licensee may not carry a concealed handgun, is amended to read as
25 follows:

26 (18)(A)(i) Any place at the discretion of the person or entity
27 exercising control over the physical location of the place by placing at each
28 entrance to the place a written notice clearly readable at a distance of not
29 less than ten feet (10') that "carrying a handgun is prohibited".

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

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



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

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

5 (B) Subdivision (18)(A) of this section does not apply if
6 the place is:

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

10 (ii) A publicly owned and maintained parking lot if
11 the licensee is carrying a concealed handgun in his or her motor vehicle or
12 has left the concealed handgun in his or her locked and unattended motor
13 vehicle; or

14 (iii) A parking lot of a private employer and the
15 ~~licensee person~~ is carrying a ~~concealed~~ handgun as provided under ~~§ 5-73-326~~
16 § 11-5-117.

17 (C) The person or entity exercising control over the
18 physical location of a place that does not use his, her, or its authority
19 under this subdivision (18) to prohibit a person from possessing a concealed
20 handgun is immune from a claim for monetary damages arising from or related
21 to the decision not to place at each entrance to the place a written notice
22 under this subdivision (18);

23
24 SECTION 2. Arkansas Code § 5-73-326 is repealed.

25 ~~5-73-326. Licensee rights—Private employer parking lot.~~

26 ~~(a) A private employer shall not prohibit an employee who is a~~
27 ~~licensee from transporting or storing a legally owned handgun in the~~
28 ~~employee's private motor vehicle in the private employer's parking lot when:~~

29 ~~(1) The handgun:~~

30 ~~(A) Is lawfully possessed;~~

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

33 ~~(C)(i) Is stored 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.~~

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:~~

10 ~~(1) The handgun is kept for lawful purposes;~~

11 ~~(2) The handgun is concealed within the employee's private motor~~
12 ~~vehicle; and~~

13 ~~(3) The employee stores the handgun in his or her motor vehicle~~
14 ~~in accordance with subdivisions (a)(1)(A)-(C) of this section.~~

15 ~~(c) An employer has the right to:~~

16 ~~(1) Prohibit a person who is not an employee from storing a~~
17 ~~handgun in the employee's motor vehicle in the private employer's parking~~
18 ~~lot; and~~

19 ~~(2) Prohibit a licensee's entry onto the private employer's~~
20 ~~place of business or parking lot because the person's private motor vehicle~~
21 ~~contains a handgun in the following circumstances:~~

22 ~~(A) The parking lot is a prohibited place specifically~~
23 ~~listed in § 5-73-306;~~

24 ~~(B) The parking lot is on the grounds of an owner-occupied~~
25 ~~single-family detached residence or a tenant-occupied single-family detached~~
26 ~~residence and the single-family detached residence or tenant-occupied single-~~
27 ~~family detached residence is being used as a residence;~~

28 ~~(C) The private employer reasonably believes that the~~
29 ~~employee is in illegal possession of the handgun;~~

30 ~~(D) The employee is operating a private employer-owned~~
31 ~~motor vehicle during and in the course of the employee's duties on behalf of~~
32 ~~the private employer, except when the employee is required to transport or~~
33 ~~store a firearm as part of the employee's duties;~~

34 ~~(E) The private motor vehicle is not permitted in the~~
35 ~~parking lot for reasons unrelated to the employee's transportation, storage,~~
36 ~~or possession of a handgun;~~

1 ~~(F) The employee is the subject of an active or pending~~
2 ~~employment disciplinary proceeding; or~~

3 ~~(G) The employee, at any time after being issued a license~~
4 ~~to carry a concealed handgun, has been adjudicated mentally incompetent or~~
5 ~~not guilty in a legal proceeding by reason of mental disease or defect.~~

6 ~~(d) This section does not prevent a private employer from prohibiting~~
7 ~~a person who is not licensed or who fails to transport or store the handgun~~
8 ~~in accordance with subdivisions (a)(1)(A)-(C) of this section from~~
9 ~~transporting or storing a handgun in the parking lot or from entering onto~~
10 ~~the private employer's place of business or the private employer's parking~~
11 ~~lot.~~

12 ~~(e) A former employee who possesses a handgun in his or her private~~
13 ~~motor vehicle under this section is not criminally liable for possessing the~~
14 ~~handgun in his or her private motor vehicle in his or her former private~~
15 ~~employer's parking lot while the former employee is physically leaving the~~
16 ~~private employer's parking lot immediately following his or her termination~~
17 ~~or other reason for ceasing employment with the former private employer.~~

18
19 SECTION 3. Arkansas Code Title 11, Chapter 5, Subchapter 1, is amended
20 to add an additional section to read as follows:

21 11-5-117. Possession of firearm in private employer parking lot.

22 (a) As used in this section:

23 (1) "Parking lot" means a designated area, or structure, or part
24 of a structure intended for the parking of motor vehicles.

25 (2)(A) "Parking lot" does not include a parking lot owned,
26 maintained or otherwise controlled by the Department of Corrections or an
27 entity contracting with a division of the department to provide work release
28 or post-incarceration housing services.

29 (B) The department will notify annually any entity subject
30 to this provision of its applicability.

31 (b) A private employer shall not prohibit an employee from
32 transporting or storing a legally owned firearm in the employee's private
33 motor vehicle in the private employer's parking lot when the firearm is:

34 (1) Lawfully possessed; and

35 (2) Stored out of sight inside a locked private motor vehicle.

36 (c) A private employer shall not prohibit or attempt to prevent an

1 employee from entering the parking lot of the private employer's place of
2 business because the employee's private motor vehicle contains a firearm if
3 the firearm is:

4 (1) Kept for lawful purposes; and

5 (2) Stored out of sight inside a locked private motor vehicle.

6 (d) An employer has the right to:

7 (1) Prohibit a person who is not an employee from storing a
8 firearm in an employee's motor vehicle in the private employer's parking lot;
9 and

10 (2) Prohibit an employee entering the private employer's place
11 of business or parking lot because the employee's private motor vehicle
12 contains a firearm in the following circumstances:

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

15 (B) The parking lot is on the grounds of an owner-occupied
16 single-family detached residence or a tenant-occupied single-family detached
17 residence and the single-family detached residence or tenant-occupied single-
18 family detached residence is being used as a residence;

19 (C) The private employer reasonably believes that the
20 employee is in illegal possession of the firearm;

21 (D) The employee is operating a private employer-owned
22 motor vehicle during and in the course of the employee's duties on behalf of
23 the private employer, unless the employee is required to transport or store a
24 firearm as part of the employee's duties;

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

28 (F) The employee is the subject of an active or pending
29 employment disciplinary proceeding; or

30 (G) The employee has been adjudicated mentally incompetent
31 or not guilty in a legal proceeding by reason of mental disease or defect.

32 (e) This section does not prevent a private employer from prohibiting
33 a person who fails to transport or store the firearm in accordance with
34 subsection (b) of this section from transporting or storing a firearm in the
35 private employer's parking lot or from entering the private employer's place
36 of business or the private employer's parking lot.

1 (f) A former employee who possesses a firearm in his or her private
2 motor vehicle under this section is not criminally liable for possessing the
3 firearm in his or her private motor vehicle in his or her former private
4 employer's parking lot while the former employee is physically leaving the
5 private employer's parking lot immediately following his or her termination
6 or other reason for ceasing employment with the former private employer.

7
8 SECTION 4. Arkansas Code § 16-118-115 is amended to read as follows:

9 16-118-115. Civil actions regarding violations of ~~§ 5-73-326~~ § 11-5-
10 117.

11 An employer or employee who knowingly violates ~~§ 5-73-326~~ § 11-5-117 is
12 liable to the prevailing party in an action brought under this section and,
13 upon proving the prevailing party's case by clear and convincing evidence, is
14 entitled to one (1) or more of the following remedies:

- 15 (1) Equitable relief;
- 16 (2) Compensatory damages; and
- 17 (3) Costs and fees, including reasonable attorney's fees.

18
19 SECTION 5. Arkansas Code § 16-120-802(a), concerning a civil action
20 against a business entity for acts concerning a concealed handgun in a
21 parking lot, is amended to read as follows:

22 (a) A business entity, owner or legal possessor of property, or
23 private employer is not liable in a civil action for damages, injuries, or
24 death resulting from or arising out of an employee's or another person's
25 actions involving a handgun transported or stored under ~~§ 5-73-326(a)~~ § 11-5-
26 117 or from allowing a person to enter the private employer's place of
27 business or parking lot under ~~§ 5-73-326(b)~~ § 11-5-117, including without
28 limitation the theft of a handgun from an employee's private motor vehicle,
29 unless the business entity, owner or legal possessor of property, or private
30 employer intentionally solicited or procured the other person's actions.