

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2644

By: Steagall

4
5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,
8 Section 1289.7a, which relates to transporting or
9 storing firearms; removing liability provision;
10 prohibiting the establishment or enforcement of
11 certain policy; removing exception and applicability
12 provision; amending 21 O.S. 2021, Section 1290.22,
13 which relates to the Oklahoma Self-Defense Act;
14 clarifying certain prohibited conduct and exception;
15 providing for the filing of a civil action; directing
16 court to award damages and fees; providing an
17 exception; clarifying liability provisions; allowing
18 for the transport of firearms or legal weapons in
19 motor vehicle; defining term; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1289.7a, is
23 amended to read as follows:

24 Section 1289.7a A. No person, property owner, tenant,
employer, or business entity shall maintain, establish, or enforce
any policy or rule that has the effect of prohibiting any person,
except a convicted felon, from transporting and storing firearms or
ammunition in a locked motor vehicle, or from transporting and

1 storing firearms or ammunition locked in or locked to a motor
2 vehicle on any property set aside for any motor vehicle.

3 B. No person, property owner, tenant, employer, or business
4 entity shall ~~be liable in any civil action for occurrences which~~
5 ~~result from the storing of~~ establish or enforce any policy or rule
6 that prohibits any person or employee, except a convicted felon,
7 from transporting, carrying, or storing firearms or ammunition in a
8 locked motor vehicle on any property set aside for any motor
9 vehicle, ~~unless the person, property owner, tenant, employer, or~~
10 ~~owner of the business entity commits a criminal act involving the~~
11 ~~use of the firearms or ammunition. The provisions of this~~
12 ~~subsection shall not apply to claims pursuant to the Workers'~~
13 ~~Compensation Act~~ or a motor vehicle owned, leased, or rented by the
14 person or employee to conduct business for the business entity.

15 C. An individual may bring a civil action to enforce this
16 section. If a plaintiff prevails in a civil action related to the
17 personnel manual against a person, property owner, tenant, employer
18 or business for a violation of this section, the court shall award
19 actual damages, enjoin further violations of this section, and award
20 court costs and attorney fees to the prevailing plaintiff.

21 D. As used in this section, "motor vehicle" means any
22 automobile, truck, minivan, sports utility vehicle, motorcycle,
23 motor scooter, and any other vehicle required to be registered under
24 the Oklahoma Vehicle License and Registration Act.

1 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1290.22, is
2 amended to read as follows:

3 Section 1290.22

4 BUSINESS PRIVATE PROPERTY OWNER'S RIGHTS

5 A. Except as provided in subsections B, C and D of this
6 section, nothing contained in any provision of the Oklahoma Self-
7 Defense Act shall be construed to limit, restrict or prohibit in any
8 manner the existing rights of any person, property owner, tenant,
9 employer, liquor store, place of worship or business entity to
10 control the possession of weapons on any property owned or
11 controlled by the person or business entity.

12 B. 1. No person, property owner, tenant, employer, liquor
13 store, holder of an event permit, place of worship or business
14 entity shall be permitted to establish any policy or rule that ~~has~~
15 ~~the effect of prohibiting~~ prohibits any person, except a convicted
16 felon, from transporting and storing firearms in a locked motor
17 vehicle on any property set aside for any motor vehicle or from
18 transporting, carrying, or storing firearms or ammunition in a motor
19 vehicle owned, leased, or rented by the person or employee while
20 conducting business for the business entity.

21 2. An individual may bring a civil action to enforce the
22 provisions of paragraph 1 of this subsection. If a plaintiff
23 prevails in a civil action against a person, property owner, tenant,
24 employer, liquor store, place of worship or business, for a policy

1 or rule that violates paragraph 1 of this subsection, the court
2 shall award actual damages, enjoin further violations of paragraph 1
3 of this subsection, and award court costs and attorney fees to the
4 prevailing plaintiff. The provisions of this subsection shall not
5 apply to claims pursuant to the Administrative Workers' Compensation
6 Act.

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

13 D. No person, property owner, tenant, employer, liquor store,
14 holder of an event permit, place of worship or business entity shall
15 be permitted to establish any policy or rule that has the effect of
16 prohibiting any person from carrying a concealed or unconcealed
17 firearm on property within the specific exclusion provided for in
18 paragraph 4 of subsection B of Section 1277 of this title; provided
19 that carrying a concealed or unconcealed firearm may be prohibited
20 in the 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
5 organization, or any committee subordinate to the International
6 Olympic Committee 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 otherwise lawful carrying of a concealed or unconcealed
13 firearm by a person on property that has signs prohibiting the
14 carrying of firearms shall subject the person to being denied
15 entrance onto the property or removed from the property. If the
16 person:

17 1. Has been informed by the property owner, business entity or
18 manager of the business that the person is in violation of a policy
19 that prohibits firearms on the property; and

20 2. Refuses to leave the property and a peace officer is
21 summoned,
22 the person shall, upon conviction, be guilty of a misdemeanor
23 punishable by a fine not to exceed Two Hundred Fifty Dollars
24 (\$250.00).

1 F. A person, property owner, tenant, employer, liquor store,
2 holder of an event permit, place of worship or business entity that
3 does or does not prohibit any individual, except a convicted felon,
4 from carrying a loaded or unloaded, concealed or unconcealed weapon
5 on property that the person, property owner, tenant, employer,
6 liquor store, holder of an event permit, place of worship or
7 business entity owns, or has legal control of, ~~is immune from~~ shall
8 not be subject to any liability arising from that decision. Except
9 for acts of gross negligence or willful or wanton misconduct, an
10 employer who does or does not prohibit his or her employees from
11 carrying a concealed or unconcealed weapon ~~is immune from~~ shall not
12 be subject to any liability arising from that decision. A person,
13 property owner, tenant, employer, liquor store, holder of an event
14 permit, place of worship or business entity that does not prohibit
15 persons from carrying a concealed or unconcealed weapon pursuant to
16 subsection D of this section shall not be ~~immune from~~ subject to any
17 liability arising from the carrying of a concealed or unconcealed
18 weapon, while in the scope of employment, on the property or in or
19 about a business entity motor vehicle. Any employee, using his or
20 her own private motor vehicle or a motor vehicle that is personally
21 rented or leased by the employee, may transport a firearm or other
22 legal weapon in the motor vehicle while conducting business for the
23 business entity and shall not be prohibited from transporting such
24 firearm or weapon by any policy or rule of the business entity. The

1 provisions of this subsection shall not apply to claims pursuant to
2 the Administrative Workers' Compensation Act.

3 G. It shall not be considered part of an employee's job
4 description or within the employee's scope of employment if an
5 employee is allowed to carry or discharge a weapon pursuant to this
6 section.

7 H. Nothing in subsections F and G of this section shall prevent
8 an employer, employee or person who has suffered loss resulting from
9 the discharge of a weapon to seek redress or damages of the person
10 who discharged the weapon or used the weapon outside the provisions
11 of the Oklahoma Self-Defense Act.

12 I. As used in the this section, "motor vehicle" means any
13 automobile, truck, minivan, sports utility vehicle, motorcycle,
14 motor scooter, and any other vehicle required to register under the
15 Oklahoma Vehicle License and Registration Act.

16 SECTION 3. This act shall become effective November 1, 2023.

17
18 59-1-6130 GRS 01/13/23
19
20
21
22
23
24