
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 448 Session of
2013

INTRODUCED BY PYLE, BLOOM, MILLER, METCALFE, BROOKS, KNOWLES,
MOUL, TALLMAN, M. K. KELLER, CUTLER, AUMENT, KORTZ, REED,
KAUFFMAN, HICKERNELL, HALUSKA, SWANGER, SACONE, METZGAR,
CAUSER, DUNBAR, MARSHALL, PICKETT, GODSHALL, LAWRENCE, MAJOR,
MILLARD, HARKINS, SAINATO, OBERLANDER, EVERETT, REESE, HESS,
FLECK, C. HARRIS, READSHAW, EMRICK, GABLER, BENNINGHOFF,
CLYMER, MULLERY, ROCK, GROVE AND COX, JANUARY 30, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 30, 2013

AN ACT

1 Providing for the possession of firearms in motor vehicles;
2 prohibiting certain acts; imposing duties on employers; and
3 providing for civil immunity under certain circumstances and
4 for enforcement.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Preservation
9 and Protection of Firearms in Motor Vehicles Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Employee." A person who:

15 (1) works for salary, wages or other remuneration;

16 (2) is an independent contractor; or

1 (3) is a volunteer, intern or other similar individual
2 for an employer.

3 "Employer." A sole proprietorship, partnership, corporation,
4 limited liability company, professional association,
5 cooperative, joint venture, trust, firm, institution,
6 association or business entity that has employees.

7 "Firearm." The term includes ammunition and accoutrements
8 attendant to the lawful possession and use of a firearm.

9 "Invitee." A business invitee, including a customer or
10 visitor, who is lawfully on the premises of a public or private
11 employer.

12 "Motor vehicle." An automobile, truck, minivan, sports
13 utility vehicle, motor home, recreational vehicle, motorcycle,
14 motor scooter or any other vehicle operated on the roads of this
15 Commonwealth and required to be registered under the laws of
16 this Commonwealth.

17 "Parking lot." Real property that is used for parking motor
18 vehicles and is available to customers, employees or invitees
19 for temporary or long-term parking or storage of motor vehicles.

20 Section 3. Legislative intent.

21 The General Assembly finds and declares that:

22 (1) This act is intended to codify the long-standing
23 legislative policy of the Commonwealth that individual
24 citizens have a constitutional right to keep and bear arms,
25 that they have a constitutional right to possess and keep
26 legally owned firearms within their motor vehicles for self-
27 defense and other lawful purposes and that these rights are
28 not abrogated by virtue of a citizen becoming a customer,
29 employee or invitee of a business entity.

30 (2) A citizen's lawful possession, transportation and

1 secure keeping of firearms and ammunition within the
2 citizen's motor vehicle is essential to the exercise of the
3 fundamental constitutional right to keep and bear arms and
4 the constitutional right of self-defense.

5 (3) Protecting and preserving these rights is essential
6 to the exercise of freedom and individual responsibility.

7 (4) No citizen can or should be required to waive or
8 abrogate the right to possess and securely keep firearms and
9 ammunition locked within the citizen's motor vehicle by
10 virtue of becoming a customer, employee or invitee of any
11 employer or business establishment within this Commonwealth,
12 unless specifically required by Federal or State law.

13 Section 4. Prohibited acts.

14 The following acts are prohibited:

15 (1) No public or private employer may prohibit any
16 customer, employee or invitee from possessing any legally
17 owned firearm when the firearm is lawfully possessed and
18 locked inside or locked to a private motor vehicle in a
19 parking lot and when the customer, employee or invitee is
20 lawfully on the premises of the public or private employer.

21 (2) No public or private employer may violate the
22 privacy rights of a customer, employee or invitee by verbal
23 or written inquiry regarding the presence of a firearm inside
24 or locked to a private motor vehicle in a parking lot or by
25 an actual search of a private motor vehicle in a parking lot
26 to ascertain the presence of a firearm within the vehicle.

27 (3) No public or private employer may take any action
28 against a customer, employee or invitee based upon verbal or
29 written statements of any party concerning possession of a
30 firearm stored inside a private motor vehicle in a parking

1 lot for lawful purposes.

2 (4) A search of a private motor vehicle in the parking
3 lot of a public or private employer to ascertain the presence
4 of a firearm within the vehicle may only be conducted by on-
5 duty law enforcement personnel, based upon due process and
6 must comply with constitutional protections.

7 (5) No public or private employer may consider the fact
8 that an employee or prospective employee holds or does not
9 hold a license for a firearm under 18 Pa.C.S. § 6109
10 (relating to licenses) unless such license is required for
11 employment.

12 (6) No public or private employer may condition
13 employment on an agreement by an employee or a prospective
14 employee that prohibits an employee from keeping a legal
15 firearm locked inside or locked to a private motor vehicle in
16 a parking lot when the firearm is kept for lawful purposes.

17 (7) No public or private employer may prohibit or
18 attempt to prevent any customer, employee or invitee from
19 entering the parking lot of the employer's place of business
20 because the customer's, employee's or invitee's private motor
21 vehicle contains a legal firearm which is:

- 22 (i) being carried for lawful purposes; and
- 23 (ii) out of sight within the customer's, employee's
24 or invitee's private motor vehicle.

25 (8) No public or private employer may terminate the
26 employment of or otherwise discriminate against an employee
27 or expel a customer or invitee for exercising the
28 constitutional right to keep and bear arms or for exercising
29 the right of self-defense as long as a firearm is not
30 exhibited on company property for any reason other than

1 lawful defensive purposes.

2 Section 5. Applicability.

3 Section 4 applies to all public sector employers, including
4 those already prohibited from regulating firearms under the laws
5 of this Commonwealth.

6 Section 6. Duty of care of public and private employers.

7 (a) General rule.--A public or private employer subject to
8 the provisions of section 4 has no duty of care relating to the
9 actions prohibited under section 4.

10 (b) Immunity.--

11 (1) A public or private employer is not liable in a
12 civil action based on actions or inactions taken in
13 compliance with this section.

14 (2) Paragraph (1) does not apply to civil actions based
15 on actions or inactions of public or private employers that
16 are unrelated to compliance with this act.

17 (c) Construction.--Nothing contained in this section shall
18 be construed to expand any existing duty or create any
19 additional duty on the part of a public or private employer,
20 property owner or property owner's agent.

21 Section 7. Enforcement.

22 (a) Attorney General.--

23 (1) The Attorney General shall enforce the provisions of
24 this act on behalf of any customer, employee or invitee
25 aggrieved under this act.

26 (2) If there is reasonable cause to believe that the
27 aggrieved person's rights under this act have been violated
28 by a public or private employer, the Attorney General shall
29 commence a civil or administrative action for damages,
30 injunctive relief and civil penalties and such other relief

1 as may be appropriate, or may negotiate a settlement with any
2 employer on behalf of any person aggrieved under this act.

3 (b) Private causes of action.--

4 (1) Nothing in this act shall be construed to prohibit
5 the right of a person aggrieved under this act to bring a
6 civil action for violation of rights protected under this
7 act.

8 (2) In any successful action brought by a customer,
9 employee or invitee aggrieved under this act, the court shall
10 award all reasonable personal costs and losses suffered by
11 the aggrieved person as a result of the violation of rights
12 under this act.

13 (c) Court costs and attorney fees.--In any action brought
14 pursuant to this act, the court shall award all court costs and
15 reasonable attorney fees to the prevailing party.

16 Section 8. Exceptions.

17 The prohibitions in section 4 do not apply to:

18 (1) Real property owned, leased or controlled by an
19 educational institution.

20 (2) A correctional institution in this Commonwealth.

21 (3) Real property on which a nuclear-powered electricity
22 generation facility is located.

23 (4) Real property owned or leased by a public or private
24 employer or the landlord of a public or private employer upon
25 which are conducted substantial activities involving national
26 defense, aerospace or homeland security.

27 (5) Real property owned or leased by a public or private
28 employer or the landlord of a public or private employer upon
29 which the primary business conducted is the manufacture, use,
30 storage or transportation of combustible or explosive

1 materials regulated under Federal or State law, or real
2 property owned or leased by an employer who has obtained a
3 permit required under 18 U.S.C. § 842 (relating to unlawful
4 acts) to engage in the business of importing, manufacturing
5 or dealing in explosive materials on such property.

6 (6) A motor vehicle owned or leased by a public or
7 private employer or the landlord of a public or private
8 employer.

9 (7) Any other real property owned or leased by a public
10 or private employer or the landlord of a public or private
11 employer upon which possession of a firearm or other legal
12 product by a customer, employee or invitee is prohibited
13 pursuant to any Federal law, contract with a Federal
14 Government entity or law of this Commonwealth.

15 Section 9. Applicability to causes of action.

16 This act shall apply to causes of action that accrue after
17 the effective date of this section.

18 Section 10. Effective date.

19 This act shall take effect in 60 days.