
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1449 Session of
2014

INTRODUCED BY ALLOWAY, SCARNATI, BRUBAKER, WHITE, HUTCHINSON,
SOLOBAY, MENSCH AND ROBBINS, AUGUST 25, 2014

REFERRED TO JUDICIARY, AUGUST 25, 2014

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for firearms permitted in vehicles.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Title 75 of the Pennsylvania Consolidated
6 Statutes is amended by adding a section to read:

7 § 3355. Firearms permitted in vehicles.

8 (a) General rule.--A business entity, owner or legal
9 possessor of property or public or private employer may not
10 establish, maintain or enforce a policy or rule that prohibits
11 or has the effect of prohibiting a person with a valid
12 Pennsylvania license to carry firearms from transporting or
13 storing a firearm in a vehicle when the vehicle is in a location
14 where it is otherwise permitted to be and:

15 (1) the firearm remains inside the person's attended,
16 privately owned vehicle; or

17 (2) the firearm is locked out of sight within the trunk,
18 glove box or other enclosed compartment or container within

1 or on the person's privately owned vehicle.

2 (b) Civil actions.--A person who is injured or incurs
3 damages as a result of a violation of subsection (a), or his
4 survivors, may bring a civil action in the appropriate court
5 against a business entity, owner or legal possessor of property
6 or public or private employer who committed or caused the
7 violation. A person who is denied the opportunity to transport
8 or store a firearm by a policy or rule prohibited by subsection
9 (a) may bring a civil action in the appropriate court to enjoin
10 a business entity, owner or legal possessor of property or
11 public or private employer from violating subsection (a). In an
12 action brought pursuant to this section, reasonable attorney
13 fees and court costs shall be awarded to the prevailing party.

14 (c) Recovery for terminated employees.--An employee
15 discharged by a public or private employer for a violation of a
16 policy or rule prohibited under subsection (a) is entitled to
17 all of the following:

18 (1) Reinstatement to the same position held at the time
19 of the employee's termination from employment or to an
20 equivalent position.

21 (2) Reinstatement of the employee's full fringe benefits
22 and seniority rights.

23 (3) Compensation for lost wages, benefits or other lost
24 remuneration caused by the termination.

25 (4) Payment of reasonable attorney fees and court costs
26 incurred.

27 If the demand for recovery has not been satisfied within 45
28 calendar days, the employee may bring a civil action in the
29 appropriate court against the public or private employer and
30 shall be awarded the remedies provided for in paragraphs (1),

1 (2), (3) and (4).

2 (d) No liability for businesses or property owners.--No
3 business entity, owner or legal possessor of property or public
4 or private employer may be held liable in a civil action for
5 damages, injuries or death resulting from or arising out of
6 another person's actions involving a firearm transported or
7 stored pursuant to subsection (a), including the theft of a
8 firearm from an employee's or invitee's automobile, unless the
9 business entity, owner or legal possessor of property or public
10 or private employer intentionally solicited or procured the
11 injurious actions.

12 (e) Inapplicability.--The prohibitions in subsection (a)
13 shall not apply in any of the following circumstances:

14 (1) The vehicle is on the grounds of an owner-occupied
15 single-family detached residence or a tenant-occupied single-
16 family detached residence.

17 (2) The vehicle is on property where the possession of
18 firearms is expressly prohibited by Federal or State law.

19 (3) The business entity, owner or legal possessor of
20 property or public or private employer reasonably believes
21 that the person is in illegal possession of the firearm,
22 provided that a belief based on a mistake of law shall not be
23 considered reasonable for purposes of this section.

24 (4) The person is an employee operating an employer-
25 owned vehicle during and in the course of the employee's
26 duties on behalf of the employer.

27 (f) Section to be liberally construed.--It is the intent of
28 this section to reinforce and protect the right of each citizen
29 to lawfully transport and store firearms within the person's
30 private vehicle for lawful purposes in any place where the

1 vehicle is otherwise permitted. This section shall be liberally
2 construed to enable this purpose.

3 (g) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection unless the context clearly indicates otherwise:

6 "Firearm." Shall have the meaning given in 18 Pa.C.S. § 6102
7 (relating to definitions) and shall include any scope, sight,
8 bipod, sling, light, magazine, clip, ammunition or other firearm
9 accessory attached to or seized, confiscated or relinquished
10 with a firearm.

11 Section 2. This act shall take effect in 60 days.