
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1493 Session of
2017

INTRODUCED BY PYLE, MILLARD, DUNBAR, METZGAR, BERNSTINE, RYAN,
METCALFE, COX, KAUFFMAN, ZIMMERMAN, JAMES, TALLMAN, CAUSER,
MALONEY, STAATS, D. COSTA, WARD, DIAMOND, READSHAW,
A. HARRIS, GODSHALL, WHEELAND, ROTHMAN, IRVIN AND SANKEY,
JUNE 2, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 2, 2017

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in powers of department and local authorities,
3 further providing for control of public travel on private
4 property by owner by adding provisions relating to firearms
5 in motor vehicles.

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

8 Section 1. Section 6113 of Title 75 of the Pennsylvania
9 Consolidated Statutes is amended by adding subsections to read:

10 § 6113. Control of public travel on private property by owner.

11 * * *

12 (c) Firearms in motor vehicles.--

13 (1) A business entity, property owner or legal possessor
14 or public or private employer may not establish, maintain or
15 enforce a policy or rule that prohibits or has the effect of
16 prohibiting a person from transporting or storing a firearm
17 in a motor vehicle when the vehicle is in a location where
18 the firearm is otherwise permitted to be and;

1 (i) the firearm remains inside the person's
2 attended, privately owned motor vehicle; or

3 (ii) the firearm is locked out of sight within the
4 trunk, glove box or other enclosed compartment or
5 container within or on the person's privately owned motor
6 vehicle.

7 (2) (i) A person who is injured or incurs damages as a
8 result of a violation of paragraph (1), or his survivors,
9 may bring a civil action in the appropriate court against
10 any business entity, owner or legal possessor of property
11 or public or private employer who committed or caused the
12 violation.

13 (ii) A person who is denied the opportunity to
14 transport or store a firearm by a policy or rule
15 prohibited by paragraph (1) may bring a civil action in
16 the appropriate court to enjoin any business entity,
17 owner or legal possessor of property or public or private
18 employer from violating paragraph (1).

19 (iii) In any actions brought pursuant to this
20 subsection, reasonable attorney fees and court costs
21 shall be awarded to the prevailing plaintiff.

22 (3) An employee discharged by a public or private
23 employer for a violation of a policy or rule prohibited by
24 paragraph (1) shall be awarded full recovery as specified in
25 paragraph (1). If the demand for the recovery has not been
26 satisfied within 45 calendar days, the employee may bring
27 civil action in the appropriate court against the public or
28 private employer and shall be awarded the following:

29 (i) Reinstatement to the same position held at the
30 time of the employee's termination from employment or to

1 an equivalent position.

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

4 (iii) Compensation for lost wages, benefits or other
5 lost remuneration caused by the termination.

6 (iv) Payment of reasonable attorney fees and court
7 costs incurred.

8 (4) No business entity, owner or legal possessor of
9 property or public or private employer shall be held liable
10 in any civil action for damages, injuries or death resulting
11 from or arising out of another person's actions involving a
12 firearm transported or stored under paragraph (1), including
13 the theft of a firearm from an employee's or invitee's
14 automobile, unless the business entity, owner or legal
15 possessor of property or public or private employer
16 intentionally solicited or procured such other person's
17 injurious actions.

18 (5) The prohibitions in paragraph (1) shall not apply
19 if:

20 (i) the motor vehicle is on the grounds of an owner-
21 occupied, single-family detached residence or a tenant-
22 occupied single-family detached residence;

23 (ii) the motor vehicle is on property where the
24 possession of firearms is expressly prohibited by Federal
25 or State law;

26 (iii) the business entity, owner or legal possessor
27 of property or public or private employer reasonably
28 believes that the person illegally possesses the firearm,
29 provided that a belief based on a mistake of law shall
30 not be considered reasonable for purposes of this

1 section; or

2 (iv) the person is an employee operating an
3 employer-owned motor vehicle during and in the course of
4 the employee's duties on behalf of the employer.

5 (6) It is the intent of this subsection to reinforce and
6 protect the right of each citizen to lawfully transport and
7 store firearms within his private motor vehicle for lawful
8 purposes in any place where the vehicle is otherwise
9 permitted to be. This subsection is to be liberally construed
10 to enable this purpose.

11 (d) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection unless the context clearly indicates otherwise:

14 "Firearm." The term shall have the same meaning given to it
15 in 18 Pa.C.S. § 6105(f)(4)(iii) (relating to persons not to
16 possess, use, manufacture, control, sell or transfer firearms).

17 "Motor vehicle." Any automobile, truck, minivan, sports
18 utility vehicle, motorcycle, motor scooter or any other vehicle
19 required to be registered under Pennsylvania law.

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