

1 HB12
2 135663-2
3 By Representative Ford
4 RFD: Commerce and Small Business
5 First Read: 05-FEB-13
6 PFD: 12/07/2012

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8 SYNOPSIS: This bill would prohibit a business entity,
9 property owner or legal possessor, or public or
10 private employer from establishing policies against
11 persons transporting or storing a firearm or
12 ammunition when the person is otherwise in
13 compliance with all other applicable laws under
14 certain conditions.

15 This bill would authorize certain persons
16 who are injured or who incur damages as a result of
17 a violation of the act to file a civil action for
18 damages, including an award of attorney's fees.

19 This bill would authorize a person who is
20 denied the opportunity to transport or store a
21 firearm or ammunition to file a civil action to
22 enjoin any business entity, property owner or legal
23 possessor, or public or private employer from
24 violating the act.

25 This bill would also provide for
26 reinstatement of employment and compensation of
27 benefits and restoration of seniority rights for

1 employees discharged for transporting or storing a
2 firearm or ammunition when the person is otherwise
3 in compliance with all other applicable laws.

4 This bill would provide limited immunity to
5 a business entity, property owner or legal
6 possessor, or public or private employer for
7 damages, injuries, or death resulting from another
8 person's actions involving a firearm or ammunition
9 transported or stored pursuant to the act.

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11 A BILL
12 TO BE ENTITLED
13 AN ACT

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15 Relating to firearms or ammunition in motor
16 vehicles; to prohibit a business entity, property owner or
17 legal possessor, or public or private employer from
18 establishing policies against persons transporting or storing
19 a firearm or ammunition when the person is otherwise in
20 compliance with all other applicable laws under certain
21 conditions; to authorize civil actions for persons who are
22 injured or incur damages as a result of a violation of the
23 act; to authorize a civil action to enjoin any business
24 entity, property owner or legal possessor, or public or
25 private employer from violating the act; to provide for
26 reinstatement of employment and compensation of benefits and
27 restoration of seniority rights for persons discharged for

1 transporting or storing a firearm when in compliance with all
2 applicable laws; and to provide limited immunity to a business
3 entity, property owner or legal possessor, or public or
4 private employer for damages, injuries, or death resulting
5 from another person's actions involving a firearm or
6 ammunition transported or stored pursuant to the act.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. (a) For the purposes of this section,
9 "motor vehicle" shall mean any automobile, truck, minivan,
10 sports utility vehicle, motorcycle, motor scooter, or any
11 other vehicle required to be registered under state law when
12 operated on the highways of this state.

13 (b) Except as otherwise provided in this section, a
14 business entity, or owner, manager, or legal possessor of real
15 property, or public or private employer may not establish,
16 maintain, or enforce a policy or rule that prohibits or has
17 the effect of prohibiting a person's transportation or storage
18 of a firearm or ammunition when the following conditions are
19 satisfied:

20 (1) The firearm or ammunition is either of the
21 following:

22 a. Kept from ordinary observation within the
23 person's attended privately owned motor vehicle.

24 b. Kept from ordinary observation and locked within
25 the trunk, glove box, or interior of the person's privately
26 owned motor vehicle or a container securely affixed to the
27 vehicle.

1 (2) The vehicle is operated or parked in a location
2 where it is otherwise permitted to be.

3 (c) (1) A person who is injured or incurs damages, or
4 the survivors of a person killed, as a result of a violation
5 of subsection (b) may file a civil action in the appropriate
6 court against any business entity, or owner, manager, or legal
7 possessor of real property, or public or private employer who
8 committed or caused the violation.

9 (2) A person who is denied the opportunity to
10 transport or store a firearm or ammunition by a policy or rule
11 prohibited in subsection (b) may file a civil action in the
12 appropriate court to enjoin any business entity, or owner,
13 manager, or legal possessor of real property, or public or
14 private employer from violating subsection (b).

15 (3) In any action brought under this subsection,
16 court costs and attorney's fees shall be awarded to a
17 prevailing plaintiff.

18 (d) An employee discharged by a public or private
19 employer for a violation of a policy or rule prohibited by
20 subsection (b) is entitled to full recovery as specified in
21 this subsection. If demand for the recovery has not been
22 satisfied within 45 calendar days, the employee may file a
23 civil action in the appropriate court of this state against
24 the public or private employer and is entitled to an award of
25 all of the following:

1 (1) Reinstatement to the same position held at the
2 time of his or her termination from employment, or to an
3 equivalent position.

4 (2) Reinstatement of the employee's full fringe
5 benefits and seniority rights, as appropriate.

6 (3) Compensation, if applicable, for lost wages,
7 benefits, or other lost remuneration caused by the
8 termination.

9 (4) Payment of reasonable attorney's fees and legal
10 costs incurred.

11 (e) No business entity, or owner, manager, or legal
12 possessor of real property, or public or private employer
13 shall be held liable in any civil action for damages,
14 injuries, or death resulting from or arising out of another
15 person's actions involving a firearm or ammunition transported
16 or stored in an employee's or invitee's motor vehicle,
17 including, but not limited to, the theft of a firearm from an
18 employee's or invitee's motor vehicle, unless the business
19 entity, or owner, manager, or legal possessor of real
20 property, or public or private employer intentionally
21 solicited or procured the other person's injurious actions.

22 (f) This section shall not apply if any of the
23 following conditions are satisfied:

24 (1) The person operating the motor vehicle is any of
25 the following:

26 a. Prohibited from possessing, receiving, or
27 transporting pistols or other firearms under Section

1 13A-11-72, Code of Alabama 1975, or 18 U.S.C. § 922(g) or (n)
2 or by any court order.

3 b. In violation of Section 13A-11-50, Code of
4 Alabama 1975, relating to the concealed carry of weapons.

5 c. In violation of Section 13A-11-52, Code of
6 Alabama 1975, relating to the carrying of a pistol off of a
7 person's own premises.

8 d. In violation of Section 13A-11-54, Code of
9 Alabama 1975, relating to the prohibition of carrying a rifle
10 or shotgun walking cane.

11 e. In violation of Section 13A-11-60, Code of
12 Alabama 1975, relating to the possession of prohibited
13 ammunition.

14 f. In violation of Section 13A-11-63, Code of
15 Alabama 1975, relating to the position of NFA rifles or
16 shotguns in violation of federal law.

17 g. In violation of Section 13A-11-64, Code of
18 Alabama 1975, relating to possession of a firearm with an
19 altered serial number or manufacturer's identification.

20 h. In violation of Section 13A-11-73, Code of
21 Alabama 1975, relating to the prohibition on the unlicensed
22 carrying of a pistol in a vehicle or concealed about one's
23 person.

24 (2) The motor vehicle is located in any place where
25 firearms are expressly prohibited by federal law.

26 Section 2. It is the intent of this act to reinforce
27 the right of each citizen to lawfully transport and store

1 firearms within his or her private motor vehicle for lawful
2 purposes in any place where the vehicle is otherwise permitted
3 to be. This act is to be liberally construed to effectuate
4 this purpose.

5 Section 3. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.