

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 364

By: Dahm

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6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1289.7a, as amended by Section 13, Chapter
9 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section
10 1289.7a), which relates to transporting or storing
11 firearms; removing certain prohibition; prohibiting
12 certain policy or rule; amending 21 O.S. 2011,
13 Section 1290.22, as last amended by Section 1,
14 Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018, Section
15 1290.22), which relates to business owner's rights;
16 removing certain prohibition; prohibiting certain
17 policy or rule; and providing an effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.7a, as
20 amended by Section 13, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
21 Section 1289.7a), is amended to read as follows:

22 Section 1289.7a. A. No person, property owner, tenant,
23 employer, or business entity shall maintain, establish, or enforce
24 any policy or rule that has the effect of prohibiting any person,
25 except a convicted felon, from transporting and storing firearms or
26 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~~ maintain, establish or enforce any policy
6 or rule that has the effect of prohibiting any person or employee,
7 except a convicted felon from transporting, carrying or storing
8 firearms or ammunition in a locked motor vehicle on any property set
9 aside for any motor vehicle, ~~unless the person, property owner,~~
10 ~~tenant, employer, or owner of the business entity commits a criminal~~
11 ~~act involving the use of the firearms or ammunition. The provisions~~
12 ~~of this subsection shall not apply to claims pursuant to the~~
13 ~~Workers' Compensation Act~~ or a motor vehicle owned, leased or rented
14 by the person or employee to conduct business for the business
15 entity.

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

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

3 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.22, as
4 last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.
5 2018, Section 1290.22), is amended to read as follows:

6 Section 1290.22.

7 BUSINESS OWNER'S RIGHTS

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

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

23 C. A property owner, tenant, employer, place of worship or
24 business entity may prohibit any person from carrying a concealed or
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1 unconcealed firearm on the property. If the building or property is
2 open to the public, the property owner, tenant, employer, place of
3 worship or business entity shall post signs on or about the property
4 stating such prohibition.

5 D. No person, property owner, tenant, employer, holder of an
6 event permit, place of worship or business entity shall be permitted
7 to establish any policy or rule that has the effect of prohibiting
8 any person from carrying a concealed or unconcealed firearm on
9 property within the specific exclusion provided for in paragraph 4
10 of subsection B of Section 1277 of this title; provided that
11 carrying a concealed or unconcealed firearm may be prohibited in the
12 following places:

13 1. The portion of a public property structure or building
14 during an event authorized by the city, town, county, state or
15 federal governmental authority owning or controlling such building
16 or structure;

17 2. Any public property sports field, including any adjacent
18 seating or adjacent area set aside for viewing a sporting event,
19 where an elementary or secondary school, collegiate, or professional
20 sporting event or an International Olympic Committee or organization
21 or any committee subordinate to the International Olympic Committee
22 event is being held;

23 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
24 State Fair; and

1 4. The portion of a public property structure or building that
2 is leased or under contract to a business or not-for-profit entity
3 or group for offices.

4 E. The carrying of a concealed or unconcealed firearm by a
5 person who has been issued a handgun license on property that has
6 signs prohibiting the carrying of firearms shall not be deemed a
7 criminal act but may subject the person to being denied entrance
8 onto the property or removed from the property. If the person
9 refuses to leave the property and a peace officer is summoned, the
10 person may be issued a citation for an amount not to exceed Two
11 Hundred Fifty Dollars (\$250.00).

12 F. A person, property owner, tenant, employer, holder of an
13 event permit, place of worship or business entity that does or does
14 not prohibit any individual except a convicted felon from carrying a
15 loaded or unloaded, concealed or unconcealed weapon on property that
16 the person, property owner, tenant, employer, holder of an event
17 permit, place of worship or business entity owns, or has legal
18 control of, is immune from any liability arising from that decision.
19 Except for acts of gross negligence or willful or wanton misconduct,
20 an employer who does or does not prohibit their employees from
21 carrying a concealed or unconcealed weapon is immune from any
22 liability arising from that decision. A person, property owner,
23 tenant, employer, holder of an event permit, place of worship or
24 business entity that does not prohibit persons from carrying a

1 concealed or unconcealed weapon pursuant to subsection D of this
2 section shall be immune from any liability arising from the carrying
3 of a concealed or unconcealed weapon, while in the scope of
4 employment, on the property or in or about a business entity
5 vehicle. The provisions of this subsection shall not apply to
6 claims pursuant to the Administrative Workers' Compensation Act.

7 G. It shall not be considered part of an employee's job
8 description or within the employee's scope of employment if an
9 employee is allowed to carry or discharge a weapon pursuant to this
10 section.

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

16 SECTION 3. This act shall become effective November 1, 2019.

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