

SENATE BILL 2700

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to the storage of firearms in public access parking lots.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

(a) Notwithstanding the provisions of § 39-17-1359, and except as provided in subsection (h) of this section no private or public employer, including the state and its political subdivisions, shall prohibit an employee from entering the employer's parking lot and parking in such lot with a firearm stored in such vehicle if:

(1) The employee possesses a valid handgun carry permit authorized by § 39-17-1351;

(2) The employer's parking lot is a public access lot;

(3) The vehicle is the employee's privately-owned vehicle and is parked during the employee's regular work hours;

(4) The firearm is stored within the trunk, glove box, or other enclosed compartment or area;

(5) The firearm is not visible from outside the vehicle; and

(6) The motor vehicle is locked when not occupied by the employee.

(b) As used in this section, "public access parking lot" means any parking lot, whether publicly or privately owned and whether operated for profit or not, to which the general public has access or which the general public uses.

(c) Subsection (a) shall not apply:

(1) To any penal institution, correctional institution, detention facility,

diversion center, jail, or similar place of confinement or confinement alternative;

(2) Where transport and possession of a firearm on the premises of the employer is prohibited by state or federal law or regulation; or

(3) To any private, employee-only parking lot that is not accessible to the general public.

(d)

(1) No employer, property owner, or property owner's agent shall be held liable in any criminal or civil action for damages resulting from or arising out of an occurrence involving the transportation, storage, possession, or use of a firearm, including, but not limited to, the theft of a firearm from an employee's automobile, pursuant to this section unless:

(A) The employer commits a criminal act involving the use of a firearm; or

(B) The employer knew that the person using such firearm would commit such criminal act on the employer's premises.

(2) Nothing contained in subsection (a) shall create a new duty on the part of the employer, property owner, or property owner's agent. An employee at will shall have no greater interest in employment created by this section and shall remain an employee at will.

(e) In any action relating to the enforcement of any right or obligation under this section, an employer, property owner, or property owner's agent's efforts to comply with other applicable federal, state, or local safety laws, regulations, guidelines, or ordinances shall be a complete defense to any employer, property owner, or property owner's agent's liability.

(f) In any action brought against an employer, employer's agent, property owner, or property owner's agent relating to the criminal use of firearms in the workplace, the plaintiff shall be liable for all legal costs of such employer, employer's agent, property owner, or property owner's agent if such action is concluded in such employer,

employer's agent, property owner, or property owner's agent's favor.

(g) This section shall not be construed to require an employer, property owner, or property owner's agent who permits firearm possession in a public access parking lot pursuant to subsection (a) to implement any additional security measures for the protection of employees, customers, or other persons. Implementation of remedial security measures to provide protection to employees, customers, or other persons shall not be admissible in evidence to show prior negligence or breach of duty of an employer, property owner, or property owner's agent in any action against such employer, its officers or shareholders, or property owners.

(h) An employer may opt out of the provisions of subsection (a) if the employer implements reasonable security measures to ensure the safety of employees while in the public access parking lot. Any employer who chooses to opt out of subsection (a) shall be held liable in a civil action for any damages resulting from or arising out of any criminal act of which the employee is a victim or injury to an employee that occurs in the public access parking lot, if:

(1) The criminal act or injury could have been prevented had the employee been permitted by the employer to transport and store a firearm in the employer's parking lot; and

(2) At the time of the criminal act or injury, the employee possessed a valid handgun carry permit authorized by § 39-17-1351.

SECTION 2 . This act shall take effect upon becoming a law, the public welfare requiring it.