

AN ACT

relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 52, Labor Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. RESTRICTIONS ON PROHIBITING EMPLOYEE TRANSPORTATION OR STORAGE OF CERTAIN FIREARMS OR AMMUNITION

Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer may not prohibit an employee who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition from transporting or storing a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees.

Sec. 52.062. EXCEPTIONS. (a) Section 52.061 does not:

(1) authorize a person who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition to possess a firearm or ammunition on any property where the possession of a firearm or ammunition is

1 prohibited by state or federal law; or

2 (2) apply to:

3 (A) a vehicle owned or leased by a public or
4 private employer and used by an employee in the course and scope of
5 the employee's employment, unless the employee is required to
6 transport or store a firearm in the official discharge of the
7 employee's duties;

8 (B) a school district;

9 (C) an open-enrollment charter school, as
10 defined by Section 5.001, Education Code;

11 (D) a private school, as defined by Section
12 22.081, Education Code;

13 (E) property owned or controlled by a person,
14 other than the employer, that is subject to a valid, unexpired oil,
15 gas, or other mineral lease that contains a provision prohibiting
16 the possession of firearms on the property; or

17 (F) property owned or leased by a chemical
18 manufacturer or oil and gas refiner with an air authorization under
19 Chapter 382, Health and Safety Code, and on which the primary
20 business conducted is the manufacture, use, storage, or
21 transportation of hazardous, combustibile, or explosive materials,
22 except in regard to an employee who holds a license to carry a
23 concealed handgun under Subchapter H, Chapter 411, Government Code,
24 and who stores a firearm or ammunition the employee is authorized by
25 law to possess in a locked, privately owned motor vehicle in a
26 parking lot, parking garage, or other parking area the employer
27 provides for employees that is outside of a secured and restricted

1 area:

- 2 (i) that contains the physical plant;
- 3 (ii) that is not open to the public; and
- 4 (iii) the ingress into which is constantly
- 5 monitored by security personnel.

6 (b) Section 52.061 does not prohibit an employer from
7 prohibiting an employee who holds a license to carry a concealed
8 handgun under Subchapter H, Chapter 411, Government Code, or who
9 otherwise lawfully possesses a firearm, from possessing a firearm
10 the employee is otherwise authorized by law to possess on the
11 premises of the employer's business. In this subsection,
12 "premises" has the meaning assigned by Section 46.035(f)(3), Penal
13 Code.

14 Sec. 52.063. IMMUNITY FROM CIVIL LIABILITY. (a) Except in
15 cases of gross negligence, a public or private employer, or the
16 employer's principal, officer, director, employee, or agent, is not
17 liable in a civil action for personal injury, death, property
18 damage, or any other damages resulting from or arising out of an
19 occurrence involving a firearm or ammunition that the employer is
20 required to allow on the employer's property under this subchapter.

21 (b) The presence of a firearm or ammunition on an employer's
22 property under the authority of this subchapter does not by itself
23 constitute a failure by the employer to provide a safe workplace.

24 (c) For purposes of this section, a public or private
25 employer, or the employer's principal, officer, director,
26 employee, or agent, does not have a duty:

- 27 (1) to patrol, inspect, or secure:

1 (A) any parking lot, parking garage, or other
2 parking area the employer provides for employees; or

3 (B) any privately owned motor vehicle located in
4 a parking lot, parking garage, or other parking area described by
5 Paragraph (A); or

6 (2) to investigate, confirm, or determine an
7 employee's compliance with laws related to the ownership or
8 possession of a firearm or ammunition or the transportation and
9 storage of a firearm or ammunition.

10 Sec. 52.064. CONSTRUCTION OF PROVISION RELATING TO IMMUNITY
11 FROM CIVIL LIABILITY. Section 52.063 does not limit or alter the
12 personal liability of:

13 (1) an individual who causes harm or injury by using a
14 firearm or ammunition;

15 (2) an individual who aids, assists, or encourages
16 another individual to cause harm or injury by using a firearm or
17 ammunition; or

18 (3) an employee who transports or stores a firearm or
19 ammunition on the property of the employee's employer but who fails
20 to comply with the requirements of Section 52.061.

21 SECTION 2. Section 411.203, Government Code, is amended to
22 read as follows:

23 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does
24 not prevent or otherwise limit the right of a public or private
25 employer to prohibit persons who are licensed under this subchapter
26 from carrying a concealed handgun on the premises of the business.
27 In this section, "premises" has the meaning assigned by Section

1 46.035(f)(3), Penal Code.

2 SECTION 3. The change in law made by this Act applies only
3 to a cause of action that accrues on or after the effective date of
4 this Act. A cause of action that accrues before that date is
5 governed by the law as it existed immediately before the effective
6 date of this Act, and that law is continued in effect for that
7 purpose.

8 SECTION 4. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 321 passed the Senate on March 15, 2011, by the following vote: Yeas 30, Nays 1; May 17, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 20, 2011, House granted request of the Senate; May 27, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

I hereby certify that S.B. No. 321 passed the House, with amendments, on May 4, 2011, by the following vote: Yeas 117, Nays 29, two present not voting; May 20, 2011, House granted request of the Senate for appointment of Conference Committee; May 26, 2011, House adopted Conference Committee Report by the following vote: Yeas 130, Nays 11, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor