

HOUSE BILL 3560

By Bass

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to location restrictions on
firearms.

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 thereto:

39-17-1313.

(a) As used in this section, “motor vehicle” means any automobile, truck, minivan, sports utility vehicle, motorcycle, motor scooter, or any other vehicle required to be registered under state law when operated on the highways of this state.

(b) Except as otherwise provided in this section, a business entity, or owner, manager, or legal possessor of real property, or public or private employer may not establish, maintain, or enforce a policy or rule that prohibits or has the effect of prohibiting a person’s transportation or storage of a firearm or ammunition when:

(1) The firearm or ammunition:

(A) Is kept from ordinary observation within the person’s attended, privately-owned motor vehicle; or

(B) Is kept from ordinary observation and locked within the trunk, glove box, or interior of the person’s privately owned motor vehicle or a container securely affixed to such vehicle; and

(2) The vehicle is operated or parked in a location where it is

otherwise permitted to be.

(c) A person who is injured or incurs damages, or the survivors of a person killed, as a result of a violation of subsection (b) may bring a civil action in the appropriate court against any business entity, or owner, manager, or legal possessor of real property, or public or private employer who committed or caused such violation. A person who is denied the opportunity to transport or store a firearm or ammunition by a policy or rule prohibited by subsection (b) may bring a civil action in the appropriate court to enjoin any business entity, or owner, manager, or legal possessor of real property, or public or private employer from violating subsection (b). In any actions brought pursuant to this section, court costs and attorney's fees shall be awarded to the prevailing plaintiff.

(d) An employee discharged by a public or private employer for a violation of a policy or rule prohibited by subsection (b) is entitled to full recovery as specified in subdivisions (d)(1) - (4). If demand for the recovery has not been satisfied within forty-five (45) calendar days, the employee may bring a civil action in the circuit court of this state against the public or private employer and is entitled to the following:

(1) Reinstatement to the same position held at the time of the employee's termination from employment, or to an equivalent position;

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

(3) Compensation, if applicable, for lost wages, benefits, or other lost remuneration caused by the termination; and

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

(e) No business entity, or owner, manager, or legal possessor of real property, or public or private employer shall be held liable in any civil action for damages, injuries, or death resulting from or arising out of another person's actions involving a firearm or ammunition transported or stored pursuant to subsection (b), including, but not limited to, the theft of a firearm from an employee's or invitee's automobile, unless the business entity, or owner, manager, or legal possessor of real property, or public or private employer intentionally solicited or procured such other person's injurious actions.

(f) This section applies notwithstanding the contrary application of any other law, except that it shall not apply if:

(1) The person operating the motor vehicle is:

(A) Prohibited from possessing, receiving, or transporting firearms under § 39-17-1307(b), (c), or (f) or 18 U.S.C. § 922(n) or by any court order;

(B) In violation of § 39-17-1307(a) or (d);

(C) In violation of § 39-17-1319;

(D) In violation of § 39-17-1321; or

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

(g) It is the intent of this section to reinforce and protect the right of each citizen to lawfully transport and store firearms within his or her private motor vehicle for lawful purposes in any place where the vehicle is otherwise permitted to be. This section is to be liberally construed to effectuate this purpose.

SECTION 2. Tennessee Code Annotated, Section 39-17-1309, is amended in subdivision (c)(1) by deleting the last sentence.

SECTION 3. Tennessee Code Annotated, Section 39-17-1311, is amended in subdivision (b)(1)(J) by deleting subdivision (iv) in its entirety and by renumbering the remaining subdivisions accordingly.

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.