

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 63

Short Title: Firearm in Locked Motor Vehicle/Parking Lot. (Public)

Sponsors: Representatives Shepard, Hilton, Cleveland, and Barnhart (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee A.

February 10, 2011

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT NO BUSINESS, COMMERCIAL ENTERPRISE, OR
2 EMPLOYER SHALL PROHIBIT THE TRANSPORTATION OR STORAGE OF A
3 FIREARM OR AMMUNITION WHEN THE FIREARM AND AMMUNITION ARE
4 LOCKED OUT OF SIGHT IN A MOTOR VEHICLE, TO PROVIDE THAT A
5 BUSINESS, COMMERCIAL ENTERPRISE, OR EMPLOYER IS LIABLE TO ANYONE
6 INJURED AS A RESULT OF AN UNLAWFUL PROHIBITION, TO PROVIDE THAT A
7 PERSON MAY BRING A CIVIL ACTION TO ENFORCE THE RIGHT TO
8 TRANSPORT AND STORE A FIREARM AND AMMUNITION IN A LOCKED
9 MOTOR VEHICLE ON THE PROPERTY OF A BUSINESS, COMMERCIAL
10 ENTERPRISE, OR EMPLOYER, AND TO PROVIDE THAT A BUSINESS,
11 COMMERCIAL ENTERPRISE, OR EMPLOYER IS NOT CIVILLY LIABLE FOR
12 DAMAGES RESULTING FROM ANOTHER PERSON'S ACTIONS INVOLVING A
13 FIREARM TRANSPORTED OR STORED IN A LOCKED VEHICLE IN A MANNER
14 THAT COMPLIES WITH STATE LAW.

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** Article 53B of Chapter 14 of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 14-409.41. No prohibition regarding the transportation or storage of a firearm in**
19 **locked motor vehicle by business, commercial enterprise, or employer; civil**
20 **liability; enforcement.**

21 (a) As used in this section, the term "motor vehicle" means any automobile, truck,
22 minivan, sports utility vehicle, motorcycle, motor scooter, and any other vehicle required to be
23 registered under Chapter 20 of the General Statutes.

24 (b) A business, commercial enterprise, or employer shall not establish, maintain, or
25 enforce a policy or rule that prohibits or has the effect of prohibiting a person from transporting
26 or storing any firearm or ammunition when the person is otherwise in compliance with all other
27 applicable laws and regulations and the firearm or ammunition is locked out of sight within the
28 trunk, glove box, or other enclosed compartment or area within or on a motor vehicle.

29 (c) Subsection (b) of this section shall not apply to the following:

30 (1) Vehicles owned or leased by an employer.

31 (2) Facilities, lands, or property owned, operated, or controlled by any
32 commercial or public entity engaged in the generation, transmission, or
33 distribution of electricity; in the transmission or storage of natural gas or
34 liquid petroleum; or in water storage or supply.
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1 (3) Facilities owned or leased by a United States Department of Defense
2 contractor or sites on which hazardous chemicals are stored in quantities
3 greater than 1,000,000 pounds at any one time or in any quantity if required
4 to be registered pursuant to the Chemical Facility Anti-Terrorism Standards
5 under the Homeland Security Appropriations Act of 2007, Public Law
6 109-295, or the Maritime Transportation Security Act of 2002, Public Law
7 107-295.

8 (4) Where transport or storage of a firearm is prohibited by State or federal law
9 or regulation.

10 (d) A person who is injured or incurs damages, or the survivors of a person killed, as
11 result of a violation of subsection (b) of this section may bring a civil action in the appropriate
12 court against any business entity, commercial enterprise, or employer who committed or caused
13 such violation. A person who would be entitled legally to transport or store a firearm or
14 ammunition, but who would be denied the ability to transport or store a firearm or ammunition
15 by a policy in violation of subsection (b) of this section, may bring a civil action in the
16 appropriate court to enjoin any business entity, commercial enterprise, or employer from
17 violating subsection (b) of this section.

18 (e) An employee discharged by an employer, business entity, or commercial enterprise
19 for violation of a policy or rule prohibited under subsection (b) of this section, when he or she
20 was lawfully transporting or storing a firearm out of plain sight in a locked motor vehicle, is
21 entitled to full recovery as specified in subdivisions (1) through (4) of this subsection,
22 inclusive. If the demand for the recovery is denied, the employee may bring a civil action in the
23 courts of this State against the employer, business entity, or commercial enterprise and is
24 entitled to the following:

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

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

29 (3) Compensation, if appropriate, for lost wages, benefits, or other lost
30 remuneration caused by the termination.

31 (4) Payment of reasonable attorneys' fees and legal costs incurred.

32 (f) No business, commercial enterprise, employer, or property owner shall be held
33 liable in any civil action for damages, injuries, or death resulting from or arising out of another
34 person's actions involving a firearm or ammunition transported or stored pursuant to subsection
35 (b) of this section, including, but not limited to, the theft of a firearm from an employee's
36 automobile. Nothing contained in this section shall create a new duty on the part of any
37 business, commercial enterprise, employer, or property owner beyond the duty specified in
38 subsection (b) of this section.

39 (g) In any action relating to the enforcement of any right or obligation under this
40 section, the reasonable, good-faith efforts of a business, commercial enterprise, employer, or
41 property owner to comply with other applicable and irreconcilable federal or State safety laws
42 or regulations shall be a complete defense to any liability of the business, commercial
43 enterprise, employer, or property owner.

44 (h) It is the intent of this section to reinforce and protect the right of each citizen
45 lawfully to transport and store firearms within his or her vehicle for lawful purposes in any
46 place the vehicle is otherwise permitted to be and whenever this would not contravene existing
47 federal or State law or regulation."

48 **SECTION 2.** This act becomes effective December 1, 2011, and applies to
49 offenses committed on or after that date.