

1 HB471  
2 135663-2  
3 By Representative Ford  
4 RFD: Commerce and Small Business  
5 First Read: 01-MAR-12

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8 SYNOPSIS: This bill would prohibit a business entity,  
9 property owner or legal possessor, or public or  
10 private employer from establishing policies against  
11 persons transporting or storing a firearm or  
12 ammunition when the person is otherwise in  
13 compliance with all other applicable laws under  
14 certain conditions.

15 This bill would authorize certain persons  
16 who are injured or who incur damages as a result of  
17 a violation of the act to file a civil action for  
18 damages, including an award of attorney's fees.

19 This bill would authorize a person who is  
20 denied the opportunity to transport or store a  
21 firearm or ammunition to file a civil action to  
22 enjoin any business entity, property owner or legal  
23 possessor, or public or private employer from  
24 violating the act.

25 This bill would also provide for  
26 reinstatement of employment and compensation of  
27 benefits and restoration of seniority rights for

1 employees discharged for transporting or storing a  
2 firearm or ammunition when the person is otherwise  
3 in compliance with all other applicable laws.

4 This bill would provide limited immunity to  
5 a business entity, property owner or legal  
6 possessor, or public or private employer for  
7 damages, injuries, or death resulting from another  
8 person's actions involving a firearm or ammunition  
9 transported or stored pursuant to the act.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT

14  
15 Relating to firearms or ammunition in motor  
16 vehicles; to prohibit a business entity, property owner or  
17 legal possessor, or public or private employer from  
18 establishing policies against persons transporting or storing  
19 a firearm or ammunition when the person is otherwise in  
20 compliance with all other applicable laws under certain  
21 conditions; to authorize civil actions for persons who are  
22 injured or incur damages as a result of a violation of the  
23 act; to authorize a civil action to enjoin any business  
24 entity, property owner or legal possessor, or public or  
25 private employer from violating the act; to provide for  
26 reinstatement of employment and compensation of benefits and  
27 restoration of seniority rights for persons discharged for

1 transporting or storing a firearm when in compliance with all  
2 applicable laws; and to provide limited immunity to a business  
3 entity, property owner or legal possessor, or public or  
4 private employer for damages, injuries, or death resulting  
5 from another person's actions involving a firearm or  
6 ammunition transported or stored pursuant to the act.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. (a) For the purposes of this section,  
9 "motor vehicle" shall mean any automobile, truck, minivan,  
10 sports utility vehicle, motorcycle, motor scooter, or any  
11 other vehicle required to be registered under state law when  
12 operated on the highways of this state.

13 (b) Except as otherwise provided in this section, a  
14 business entity, or owner, manager, or legal possessor of real  
15 property, or public or private employer may not establish,  
16 maintain, or enforce a policy or rule that prohibits or has  
17 the effect of prohibiting a person's transportation or storage  
18 of a firearm or ammunition when the following conditions are  
19 satisfied:

20 (1) The firearm or ammunition is either of the  
21 following:

22 a. Kept from ordinary observation within the  
23 person's attended privately owned motor vehicle.

24 b. Kept from ordinary observation and locked within  
25 the trunk, glove box, or interior of the person's privately  
26 owned motor vehicle or a container securely affixed to the  
27 vehicle.

1           (2) The vehicle is operated or parked in a location  
2 where it is otherwise permitted to be.

3           (c) (1) A person who is injured or incurs damages, or  
4 the survivors of a person killed, as a result of a violation  
5 of subsection (b) may file a civil action in the appropriate  
6 court against any business entity, or owner, manager, or legal  
7 possessor of real property, or public or private employer who  
8 committed or caused the violation.

9           (2) A person who is denied the opportunity to  
10 transport or store a firearm or ammunition by a policy or rule  
11 prohibited in subsection (b) may file a civil action in the  
12 appropriate court to enjoin any business entity, or owner,  
13 manager, or legal possessor of real property, or public or  
14 private employer from violating subsection (b).

15           (3) In any action brought under this subsection,  
16 court costs and attorney's fees shall be awarded to a  
17 prevailing plaintiff.

18           (d) An employee discharged by a public or private  
19 employer for a violation of a policy or rule prohibited by  
20 subsection (b) is entitled to full recovery as specified in  
21 this subsection. If demand for the recovery has not been  
22 satisfied within 45 calendar days, the employee may file a  
23 civil action in the appropriate court of this state against  
24 the public or private employer and is entitled to an award of  
25 all of the following:

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

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

6           (3) Compensation, if applicable, for lost wages,  
7 benefits, or other lost remuneration caused by the  
8 termination.

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

11           (e) No business entity, or owner, manager, or legal  
12 possessor of real property, or public or private employer  
13 shall be held liable in any civil action for damages,  
14 injuries, or death resulting from or arising out of another  
15 person's actions involving a firearm or ammunition transported  
16 or stored in an employee's or invitee's motor vehicle,  
17 including, but not limited to, the theft of a firearm from an  
18 employee's or invitee's motor vehicle, unless the business  
19 entity, or owner, manager, or legal possessor of real  
20 property, or public or private employer intentionally  
21 solicited or procured the other person's injurious actions.

22           (f) This section shall not apply if any of the  
23 following conditions are satisfied:

24           (1) The person operating the motor vehicle is any of  
25 the following:

26           a. Prohibited from possessing, receiving, or  
27 transporting pistols or other firearms under Section

1 13A-11-72, Code of Alabama 1975, or 18 U.S.C. § 922(g) or (n)  
2 or by any court order.

3 b. In violation of Section 13A-11-50, Code of  
4 Alabama 1975, relating to the concealed carry of weapons.

5 c. In violation of Section 13A-11-52, Code of  
6 Alabama 1975, relating to the carrying of a pistol off of a  
7 person's own premises.

8 d. In violation of Section 13A-11-54, Code of  
9 Alabama 1975, relating to the prohibition of carrying a rifle  
10 or shotgun walking cane.

11 e. In violation of Section 13A-11-60, Code of  
12 Alabama 1975, relating to the possession of prohibited  
13 ammunition.

14 f. In violation of Section 13A-11-63, Code of  
15 Alabama 1975, relating to the position of NFA rifles or  
16 shotguns in violation of federal law.

17 g. In violation of Section 13A-11-64, Code of  
18 Alabama 1975, relating to possession of a firearm with an  
19 altered serial number or manufacturer's identification.

20 h. In violation of Section 13A-11-73, Code of  
21 Alabama 1975, relating to the prohibition on the unlicensed  
22 carrying of a pistol in a vehicle or concealed about one's  
23 person.

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

26 Section 2. It is the intent of this act to reinforce  
27 the right of each citizen to lawfully transport and store

1 firearms within his or her private motor vehicle for lawful  
2 purposes in any place where the vehicle is otherwise permitted  
3 to be. This act is to be liberally construed to effectuate  
4 this purpose.

5 Section 3. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.