



Carrying Firearms:

Guns in Parking Areas

Legislative Summary

The bills listed below reflect all relevant state legislation posted to the State Net service as of August 23, 2010.

Legal Community Against Violence is tracking state firearms legislation in all fifty states and the District of Columbia in key policy areas related to firearms. For more information on state firearm legislation, see our other [factsheets](#).

The issue:

Property owners have long enjoyed the right to determine who may enter and remain on their property. The gun lobby is involved in a relentless campaign to strip some property owners of this right by forcing them to allow individuals carrying guns to enter and remain on property designated for motor vehicle parking. Some of the bills that have been introduced would even apply to residences. This attack is not only dangerous to the public but puts property owners at risk of liability for the injuries and death that may occur as a result of this unwise policy.

The facts:

The most common version of this measure requires employers to allow employees to possess firearms in parking areas. However, more extreme versions would require all business owners, or even all property owners, to allow firearms in vehicles in areas designated for parking. Only one of the pending bills specifically excludes home residences.

- A 2005 study found that workplaces where guns were specifically permitted were five to seven times more likely to be the site of a worker homicide relative to those where all weapons were prohibited.ⁱ
- Employers and other business owners owe a special duty of care to employees and those that come onto their property. Provisions that declare property owners immune from the liability that may arise from the use of a firearm stored on the property may be inadequate to protect employers and other business owners.ⁱⁱ

Current law:

In 2004, Oklahoma became the first state to force property owners to allow firearms in vehicles in property set aside for motor vehicles. The law was challenged by a group of business owners but was eventually upheld.ⁱⁱⁱ Several states have enacted similar laws, including Arizona, Idaho, Montana, Louisiana, and Utah.

Legislation:

Forcing All Property Owners to Allow Firearms on Their Premises

These bills would force all property owners to allow firearms to be stored in motor vehicles lawfully on the property if the vehicle is in a parking area.

South Carolina	HB 3994	Failed
Tennessee	HB 1793 ^v	Failed

Failed Legislation^v

Forcing Business Owners to Allow Firearms on Their Premises

These bills would force all business owners to allow employees and customers to store firearms in motor vehicles in parking areas.

Michigan	SB 792	
Missouri	HB 1400	Failed
Vermont	HB 393	Failed

Failed Legislation^{vi}

Forcing Employers to Allow Firearms on Their Premises^{vii}

These bills would require employers to allow employees to store firearms in vehicles in parking areas.

Indiana	HB 1065	(provides exception for residences)	Signed by Governor 3/18/10
Michigan	HB 5302		
Pennsylvania	HB 2049		
Tennessee	HB 3141 ^{viii}	Failed	

See also Kansas HB 2685 (failed) which would have prohibited a government agency from prohibiting employees with concealed weapon permits from carrying firearms at the work place unless the premises have specified security measures in place.

Failed Legislation^{ix}

ⁱ Dana Loomis, Stephen W. Marshall, and Myduc L. Ta, *Employer Policies Toward Guns and the Risk of Homicide in the Workplace*, 95 Am. J. Pub. Health 830, 831 (May 2005) (surveying 105 workplaces where an employee had been the victim of a homicide).

ⁱⁱ See, e.g., Brady Center to Prevent Gun Violence, *Forced Entry: The National Rifle Association's Campaign to Force Business to Accept Guns at Work*, 11 (2005). Available at <http://dev.bradycenter.org/xshare/pdf/reports/forced-entry-report.pdf>.

ⁱⁱⁱ *Ramsey Winch Inc. v. Henry*, 555 F.3d 1199 (10th Cir. 2009).

^{iv} Also see Tennessee SB 1607 (failed).

^v Alabama HB 364 and SB 360, Iowa SB 2239, Tennessee SB 1435, and Virginia HB 171.

^{vi} North Carolina HB 1133, and South Dakota HB 1169

^{vii} See also Kansas HB 2685 (failed) which would prohibit a government agency from prohibiting employees with concealed weapon permits from carrying firearms at the work place unless the premises have specified security measures in place.

^{viii} Also see Tennessee SB 3009, HB 1395, and SB 1724, all have failed.

^{ix} Indiana SB 25 (contains exception for residences), and Missouri HB 567.