

HOUSE BILL 118

By Faison

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 17, Part 13, relative to handgun carry  
permits.

WHEREAS, in 1996, Tennesseans were first given the opportunity to apply for and, if meeting the qualifications, be issued a permit to carry a handgun in public; and

WHEREAS, to apply for a permit a person must be at least twenty-one (21) years of age, a resident of Tennessee and a U.S. citizen or permanent lawful resident; and

WHEREAS, the applicant must, under oath in the application, affirm that he or she has not been convicted of a criminal offense or otherwise occupy a status that would make possession of a firearm prohibited by federal law; and

WHEREAS, in addition to the application, the applicant must provide two (2) full sets of the applicant's fingerprints for the purpose of permitting both the Tennessee bureau of investigation and federal bureau of investigation to conduct a criminal history record check on the applicant; and

WHEREAS, the applicant is also required to submit proof of the successful completion of a department approved handgun safety course, which is required to include both classroom hours and firing range hours, to ensure the applicant knows how to safely handle a firearm and basic Tennessee law with respect to where firearms can and cannot be carried; and

WHEREAS, upon completion of the application, the applicant is required to present photo identification and a nonrefundable one hundred fifteen dollar (\$115) application fee to the department; and

WHEREAS, an applicant meeting all the requirements stated above is entitled to be issued a Tennessee handgun permit within ninety (90) days of the department receiving the application; and

WHEREAS, even though obtaining a handgun carry permit is neither quick nor easy in Tennessee, over 40,600 law-abiding citizens successfully completed the requirements and received a permit during 1997, the first full year of operation; and

WHEREAS, the number of handgun carry permits issued to concerned citizens who want to responsibly and legally protect themselves and their family, both at home and on their way to and from work, has risen each of the fifteen years the permit has been available in this state to the more than 371,800 Tennesseans who hold handgun carry permits in 2012; now, therefore,

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) Notwithstanding §§ 39-17-1309, 39-17-1311, or § 39-17-1359, unless expressly prohibited by federal law, the holder of a valid handgun carry permit recognized in Tennessee may transport and store a firearm or firearm ammunition in the permit holder's privately-owned motor vehicle, as defined in § 55-1-103, while on or utilizing any public or private parking area if:

(1) The permit holder's vehicle is parked in a location where it is permitted to be; and

(2) The firearm or ammunition being transported or stored in the vehicle:

(A) Is kept from ordinary observation if the permit holder is in the 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 if the permit holder is not in the vehicle.

(b) No business entity, public or private employer, or the owner, manager, or legal possessor of the property shall be held liable in any civil action for damages, injuries or death resulting from or arising out of another's actions involving a firearm or ammunition transported or stored in accordance with subsection (a) unless the business entity, public or private employer, or the owner, manager, or legal possessor of the property commits an offense involving the use of the stored firearm or ammunition or intentionally solicits or procures the conduct resulting in the damage, injury or death. Nor shall a business entity, public or private employer, or the owner, manager, or legal possessor of the property be responsible for the theft of a firearm or ammunition stored in accordance with subsection (a).

(c) For purposes of this section:

(1) "Parking area" means any property provided by a business entity, public or private employer, or the owner, manager, or legal possessor of the property for the purpose of permitting its invitees, customers, clients or employees to park privately-owned motor vehicles; and

(2) "Parking area" does not include the grounds or property of a owner-occupied, single-family detached residence, or a tenant-occupied single-family detached residence.

SECTION 2. Tennessee Code Annotated, Section 39-17-1359 is amended by deleting from the first sentence of subsection (a) the language, "An individual, corporation" and substituting instead the language "Except as provided in § 39-17-1313, an individual, corporation".

SECTION 3. This act shall take effect July 1, 2013, the public welfare requiring it.