

HOUSE BILL NO. HB0207

Protection of activities in private vehicles.

Sponsored by: Representative(s) Krone, Bonner, Brechtel, Buchanan, Burkhart, Cannady, Childers, Gay, Gingery, Greear, Hunt, Kroeker, Loucks, Petroff, Quarberg and Vranish and Senator(s) Case, Coe and Jennings

A BILL

for

1 AN ACT relating to employment; providing definitions;
 2 prohibiting certain persons from creating or enforcing a
 3 policy that prohibits the storage of firearms in a motor
 4 vehicle as specified; providing for a civil action;
 5 providing for remedies; providing exclusions; and providing
 6 for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 27-15-101 through 27-15-106 are
 11 created to read:

12

13

CHAPTER 15

14

PROTECTION OF ACTIVITIES IN PRIVATE VEHICLES

15

1 **27-15-101. Title.**

2

3 This chapter is known as the "Right to Keep and Bear Arms
4 in Private Vehicles Act."

5

6 **27-15-102. Definitions.**

7

8 (a) As used in this chapter:

9

10 (i) "Firearm" means as defined by W.S.
11 6-8-403(a)(iii);

12

13 (ii) "Motor vehicle" means as defined by W.S.
14 31-1-101(a)(xv);

15

16 (iii) "Motor vehicle parking" means an area
17 available for temporary or long term parking or storage of
18 motor vehicles which is available to employees, customers
19 and invitees.

20

21 **27-15-103. Protection of certain activities; firearms.**

22

1 (a) Except as provided in subsection (b) of this
2 section, a person may not establish, maintain or enforce
3 any policy or rule that has the effect of:

4

5 (i) Prohibiting any individual from transporting
6 or storing a firearm in a motor vehicle on any property
7 designated for motor vehicle parking, if:

8

9 (A) The individual is legally permitted to
10 transport, possess, purchase, receive, transfer or store
11 the firearm;

12

13 (B) The firearm is locked securely in the
14 motor vehicle or in a locked container attached to the
15 motor vehicle while the motor vehicle is not occupied; and

16

17 (C) The firearm is not in plain view from
18 the outside of the motor vehicle.

19

20 (b) A person may establish, maintain or enforce a
21 policy or rule that has the effect of placing limitations
22 on or prohibiting an individual from transporting or
23 storing a firearm in a motor vehicle on property the person
24 has designated for motor vehicle parking if:

1

2 (i) The property designated for motor vehicle
3 parking:

4

5 (A) Is secured by a fence or other physical
6 barrier; and

7

8 (B) Has access which is controlled by a
9 guard or other security measure; and

10

11 (ii) The person provides or there is otherwise
12 available one (1) of the following, in a location on or
13 adjacent to the secured parking area described in
14 subparagraph (i)(A) of this subsection:

15

16 (A) Alternative parking for individuals who
17 desire to transport, possess, receive, transfer or store a
18 firearm in the individual's motor vehicle; or

19

20 (B) A secured and monitored storage
21 location where the individual may securely store a firearm
22 before proceeding with the vehicle into the secured parking
23 area.

24

1 **27-15-104. Protection from liability.**

2

3 A person that owns or controls a parking area that is
4 subject to this chapter and that complies with the
5 requirements of W.S. 27-15-103 is not liable in any civil
6 action for any occurrence resulting from, connected with or
7 incidental to the use of a firearm, by any person, unless
8 the use of the firearm involves a criminal act by the
9 person who owns or controls the parking area.

10

11 **27-15-105. Cause of action for noncompliance;**
12 **remedies.**

13

14 (a) An individual who is injured, physically or
15 otherwise, as a result of any policy or rule prohibited by
16 W.S. 27-15-103, may bring a civil action in a court of
17 competent jurisdiction against any person that violates the
18 provisions of W.S. 27-15-103.

19

20 (b) Any individual who asserts a claim under this
21 section is entitled to request:

22

23 (i) Declaratory relief;

24

1 (ii) Temporary or permanent injunctive relief to
2 prevent the threatened or continued violation;

3

4 (iii) Recovery for actual damages sustained; and

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6 (iv) If the court determines that the
7 circumstances are appropriate, punitive damages.

8

9 (c) The prevailing party in an action brought under
10 this chapter may recover its court costs and reasonable
11 attorney fees incurred.

12

13 (d) Nothing in this chapter shall be construed or
14 held to affect any rights or claims made in relation to
15 title 27, chapter 14, Wyoming Workers' Compensation Act.

16

17 **27-15-106. Exemptions.**

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19 (a) School premises, including any school building or
20 school grounds in this state and other properties owned or
21 leased by a school, are exempt from the provisions of this
22 chapter.

23

1 (b) Government entities, including a local authority
2 or state entity, are exempt from the provisions of this
3 chapter.

4

5 (c) Religious organizations, including religious
6 organizations acting as an employer, are exempt from the
7 provisions of this chapter.

8

9 (d) Nothing in this act affects restrictions on the
10 carrying of concealed weapons as provided in W.S.
11 6-8-104(t).

12

13 **Section 2.** This act is effective July 1, 2011.

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15

(END)