



Alert

Labor & Employment Client Service Group

To: Our Clients and Friends

June 29, 2011

Texas Law Allows Employees to Store Concealed Weapons in Privately Owned Automobiles in Company Parking Lots

On Friday, June 17, 2011, Texas Governor Rick Perry signed into law Senate Bill 321, making it unlawful for an employer to prohibit an employee who holds a concealed handgun license from transporting or storing a lawfully possessed firearm or ammunition in a locked, privately owned automobile in any parking facility the employer provides for employees. In passing this law, Texas has joined a growing number of states that restrict employers' rights to exclude firearms from their parking facilities.

The newly enacted legislation in Texas, however, includes the following exceptions:

- The statute does not authorize the possession of a concealed firearm or ammunition on property where the possession of such materials is otherwise prohibited by state or federal law.
- The statute does not apply to vehicles owned or leased by the employer and used by the employee, unless the employee is required to transport or store a firearm in the discharge of his or her duties.
- The statute does not apply to school districts, charter schools, or private schools.
- The statute does not apply to property owned by someone other than the employer in which a valid oil, gas, or mineral lease contains a provision prohibiting the possession of firearms on the property.
- The statute does not apply to property owned or leased by a chemical manufacturer or an oil and gas refiner where the primary business conducted is the manufacture, use, storage, or transportation of hazardous, combustible, or explosive materials, except where the lawfully possessed firearm is concealed in the employee's automobile located outside of a restricted area that is inaccessible to the public and monitored by security.

Despite this new law, which takes effect on September 1, 2011, a Texas employer may still bar its employees from carrying a firearm beyond the employer's parking facility and into its workplace. Furthermore, the new law provides employers with immunity (except in cases of "gross negligence")

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against civil actions for personal injury, death, or any other damages that may result from incidents involving firearms or ammunition that the employer is required by law to allow on the employer's property.

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