



GUN-LAW UPDATE FOR 2011-2012

UPDATES TO EDITION 7

Two main gun laws passed: SB321—Parking-lot protection for employees, and SB766—Shooting-range protection and county preemption. The 7th Edition of *The Texas Gun Owner's Guide* remains the most current in print. **These laws are effective as of 9/1/11 • Insert this sheet into your book.** Updates going back for more than a decade are posted at gunlaws.com. The Texas State Rifle Assn. website has links for legislative history & more.

SB321 • Labor Code §52.061 • This new law stops public or private employers from preventing employees from transporting or storing lawfully possessed firearms or ammo in their locked private motor vehicles while parked in any parking lot, garage or other parking area provided for employees.

SB321 • Labor Code §52.062 • The new parking-lot law does not authorize people to go armed anywhere that's prohibited under federal or state law. It does not apply to vehicles owned or leased by the employer, unless the employer allows it as part of the job. It also does not include a school district, open-enrollment charter school or private school, as defined, or certain property with valid oil, gas or mineral leases that prohibit firearms. On certain properties that deal with hazardous materials (chemical makers or oil and gas refiners), only CHL employees may leave arms in locked vehicles if specially secured, constantly monitored, non-public parking space as defined, is provided. Employers who must obey parking-lot rules can still keep arms off their business premises, as defined.

SB321 • Labor Code §52.063 • Except for gross negligence, employers who must comply with the parking-lot rules, and their staffs, are not liable civilly for personal injury, death, or property or other damage involving firearms or ammo they are required to allow in locked vehicles on their property. The law specifies that the presence of those guns and ammo do not create an unsafe workplace (protection from a possible OSHA assault against the guns). Employers and staff have no duty to patrol, inspect or secure parking spaces, vehicles in them, or to determine employees' compliance.

SB321 • Labor Code §52.064 • The parking-lot law doesn't change the liability of anyone who causes harm or injury using a firearm or ammo, or anyone who aids or encourages such harm or injury, or an employee who fails to comply with the requirements of the parking-lot law.

SB321 • Gov't Code §411-203 • The parking-lot law doesn't change the existing power of private and public employers to ban CHLs from their business premises.

SB766 • Local Government Code §229.001, §236.001, .002, .003, §250.001; Civil Practices and Remedies Code §128.001, §128.051, .052, .053 • Sport shooting ranges operating before 9/1/11, their owners, operators, and property owners are granted broad protection from government lawsuits (which are often a tactic used to shut them down). Most ranges operating after that date can be sued by government to enforce an ordinance, statute or regulation, or to comply with generally accepted standards of operation at the time of the range's construction. Ranges cannot be civilly sued for damages, injunctive relief, or abatement of a nuisance related to gunfire, with these exceptions: 1) breach of contract with the landowner, 2) damage or harm to private property caused by gunfire, 3) personal injury or death from gunfire, and 4) to enforce a valid ordinance, statute or regulation. A lawsuit can only be successful if an expert witness, carefully defined, can convincingly show that the people responsible for the range deviated from a reasonable standard of care expected from an ordinarily prudent range under similar circumstances. Time frames for an expert report in a suit and responses to it, adequacy of the report, plus awards of attorneys fees and court costs, are defined.

SB766 • Local Government Code §229.001, §236.001 • Tucked into the range-protection act, is robust preemption that bans municipalities from regulating gunfire at sport shooting ranges, or regulating the hours of operation more stringently than other businesses (except ones where you can drink alcohol on site). Counties are also banned from adopting regulations for the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, ammo, or firearm supplies, or the discharge of a firearm at a sport shooting range, with an exception for ranges under 10 acres.

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