

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2562**

BY DELEGATES G. FOSTER, PHILLIPS, KESSINGER, BLAIR,

HIGGINBOTHAM, FRICH, ZATEZALO, KELLY, SUMMERS,

MARCUM AND ISNER

[Introduced February 20, 2017; Referred

to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §21-3-23, relating to make unlawful any employer policy or rule prohibiting an  
 3 employee from possessing a firearm inside a vehicle; providing criminal penalties;  
 4 providing civil liability; providing injunctive relief; and providing exceptions.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §21-3-23, to read as follows:

**ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES.**

**§21-3-23. Limitations on employer restrictions of firearms; exceptions; criminal and civil penalties; injunctive relief.**

1 (a) It shall be unlawful for any employer other than a detention facility or primary or  
 2 secondary public education institution or facility to establish, maintain, or enforce a policy or rule  
 3 that regulates or prohibits, or has the effect of regulating or prohibiting an employee from  
 4 transporting or storing and otherwise lawfully possessed firearm, provided:

5 (1) The firearm and all ammunition is possessed in accordance with article seven, chapter  
 6 sixty-one of the code;

7 (2) The firearm and all ammunition remains inside the employees privately owned, locked,  
 8 motor vehicle and stored securely out of view;

9 (3) The vehicle is located where it is otherwise permitted to be.

10 (b) No employer, or agent thereof, may require vehicles containing firearms to be parked  
 11 in any area other than those areas assigned for general employee parking.

12 (c) A firearm may be removed from the vehicle or handled in the case of self-defense,  
 13 defense of another, defense of property, or as authorized by the owner, lessee, or occupant of  
 14 the property.

15 (d) Any employer, or any agent thereof, in violation of this section shall be guilty of a  
 16 misdemeanor for each employee affected, and subject to a fine not more than \$1000 per

17 occurrence.

18 (e) Any employer that discharges, disciplines, demotes, or otherwise punishes or  
19 regulates an employee who is lawfully exercising a right guaranteed by this section and who is  
20 engaging in conduct in compliance with the statute shall be liable and civil damages with grounds  
21 for such cause of action being met if proven by a preponderance of evidence presented.

22 (f) An employee may seek and the court shall grant an injunction against an employer who  
23 is violating the provisions of this section when it is found that the employee is in compliance with  
24 the provisions of this section.

25 (g) The provisions of this section shall not apply to any real property owned, leased, or  
26 occupied by the United States government, upon which the possession or carrying of a firearm is  
27 prohibited.

NOTE: The purpose of this bill is to make unlawful any employer policy or rule prohibiting an employee from possessing a firearm inside a vehicle; provide criminal and civil penalties; provide injunctive relief; and create exceptions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.