

HOUSE BILL NO. 571

INTRODUCED BY K. WAGONER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN EMPLOYEE PROPERTY RIGHTS;  
5 PROVIDING THAT AN EMPLOYEE'S PROPERTY RIGHT IN A PRIVATE VEHICLE IS NOT DIMINISHED BY  
6 PARKING IN AN EMPLOYER'S PARKING LOT; PROVIDING THAT AN EMPLOYER, EXCEPT THE MONTANA  
7 STATE PRISON, MAY NOT PROHIBIT AN EMPLOYEE FROM KEEPING A FIREARM IN A LOCKED MOTOR  
8 VEHICLE PARKED AT THE EMPLOYEE'S WORKPLACE OR WHILE TRAVELING ON BUSINESS FOR THE  
9 EMPLOYER; PROVIDING THAT AN EMPLOYER MAY NOT BE HELD LIABLE FOR ANY INCIDENT, INJURY,  
10 OR DAMAGES RESULTING FROM A FIREARM BEING TAKEN FROM AN EMPLOYEE'S MOTOR VEHICLE;  
11 PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA;  
12 AND PROVIDING A DELAYED EFFECTIVE DATE."

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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16 NEW SECTION. **Section 1. Short title.** [Sections 1 through 3] may be cited as the "Montana  
17 Employee's Private Vehicle Private Property Act".

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19 NEW SECTION. **Section 2. Legislative findings.** The legislature finds:

20 (1) that an employer gains no property right to an employee's vehicle because that vehicle is parked in  
21 a parking lot provided by the employer;

22 (2) that as an employee travels to and from work, that employee has a reserved constitutional right to  
23 self protection and to possess a firearm for that purpose; and

24 (3) that an employee retains a full property right under law to the employee's vehicle and to the contents  
25 of that vehicle.

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27 NEW SECTION. **Section 3. Right of employee to keep firearms in vehicle.** (1) An employer may not,  
28 by contract or otherwise, prohibit an employee:

29 (a) from keeping a firearm that is locked in the trunk of the employee's motor vehicle or is out of view  
30 inside the employee's locked motor vehicle when the vehicle is parked at the employee's workplace; or

1 (b) from keeping a firearm in the employee's private vehicle when the employee is using the vehicle for  
2 the employer's business.

3 (2) A private sector employer that is in compliance with the provisions of subsection (1) may not be held  
4 liable for any incident, injury, or damages resulting from a firearm being taken from an employee's motor vehicle  
5 parked at the employee's workplace.

6 (3) An employee whose private sector employer is not in compliance with the provisions of subsection  
7 (1) has a cause of action against that employer, and any employee who is injured traveling to and from work may  
8 be awarded treble damages if the injury could have been prevented had the employer not violated subsection  
9 (1).

10 (4) The Montana state prison may adopt a policy prohibiting an employee from keeping a firearm in the  
11 employee's motor vehicle while parked at the facility.

12 (5) For the purposes of this section, "locked motor vehicle" means:

13 (a) a truck or hard top automobile with the windows rolled up and the doors locked; or

14 (b) a convertible with the windows rolled up, the top up and secured, and the doors locked.

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16 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 through 3] are intended to be codified  
17 as an integral part of Title 39, chapter 2, part 3, and the provisions of Title 39, chapter 2, part 3, apply to [sections  
18 1 through 3].

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20 **NEW SECTION. Section 5. Effective date.** If approved by the electorate, [this act] is effective January  
21 1, 2015.

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23 **NEW SECTION. Section 6. Submission to electorate.** [This act] shall be submitted to the qualified  
24 electors of Montana at the general election to be held in November 2014 by printing on the ballot the full title of  
25 [this act] and the following:

26  YES to affirming an employee's property rights in the employee's private vehicle and prohibiting  
27 an employer from preventing an employee from keeping a firearm locked and out of view in the  
28 employee's vehicle located at the employer's place of business.

29  NO to affirming an employee's property rights in the employee's private vehicle and prohibiting  
30 an employer from preventing an employee from keeping a firearm locked and out of view in the

1 employee's vehicle located at the employer's place of business.

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