

2006 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 162

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police, and Public Safety
on February 3, 2006)

(Patron Prior to Substitute—Delegate Lingamfelter)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-308.1:01, relating to firearms in locked vehicles; immunity from liability; civil penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-308.1:01 as follows:

§ 18.2-308.1:01. Firearms in locked vehicles; immunity from liability.

A. No person, property owner, tenant, employer, or business entity shall maintain, establish, or enforce any policy or rule that has the effect of prohibiting a person who may lawfully possess a firearm from storing a firearm locked in or locked to a firearms rack in a motor vehicle in a parking lot, parking space, or other similar property set aside for motor vehicles.

B. No person, property owner, tenant, employer, or business entity shall be liable in any civil action for any occurrence that results from or is connected to the use of a firearm that was lawfully stored pursuant to subsection A, unless the person, property owner, tenant, employer, or business entity commits a criminal act involving the use of the firearm.

C. Any person may enforce this section by filing a petition for injunction in the court of record of the county or city in which the person, property owner, tenant, employer, or business entity prohibiting the firearm is located. The court shall award actual damages, court costs, and attorney fees to a prevailing plaintiff.

D. This section shall not apply to (i) § 18.2-308.1, relating to possession of firearms on school property and at school activities; (ii) vehicles on privately owned property to which access is restricted or limited through the use of a gate, security station, or other means of restricting or limiting general public access onto the property; or (iii) vehicles owned or leased by an employer or business entity and used by an employee in the course of his employment.

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