

2006 SESSION

SENATE SUBSTITUTE

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HOUSE BILL NO. 162

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on March 6, 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.

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.

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 available to the general public for parking motor vehicles.

B. 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 party.

C. This section shall not apply to (i) property on which a person is prohibited from possessing a firearm by § 18.2-308.1; (ii) possession of firearms in vehicles on the curtilage of an individual's abode; (iii) vehicles on property (a) to which access is restricted or limited through the use of a gate, security station, signs, or other means of restricting or limiting general access onto the property; or (b) upon which a building occupied by a single employer and its affiliated entities is located and in which access to the building is restricted or limited by card access, a security station, signs, or other means of restricting or limiting general public access into the building; (iv) vehicles owned or leased by an employer or business entity and used by an employee in the course of his employment; or (v) personal vehicles while such vehicles are being used for the transport of consumers of programs licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

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