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**HOUSE BILL NO. 171****AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Militia, Police and Public Safety  
on February 12, 2010)

(Patron Prior to Substitute—Delegate Pogge)

*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.*

**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, willful misconduct or gross negligence 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 reasonable attorney fees to a prevailing party.*

*D. This section shall not apply to (i) property on which a person is prohibited from possessing a firearm by § 18.2-308.1; (ii) vehicles on property (a) to which access is restricted or limited through the use of a gate, security station, 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, or other means of restricting or limiting general public access into the building; (iii) vehicles owned or leased by an employer or business entity and used by an employee in the course of his employment; or (iv) personal vehicles while such vehicles are being used for the transport of consumers of programs licensed by the Department of Behavioral Health and Developmental Services; (v) vehicles on property controlled by an employer required to develop and implement a security plan under federal law or regulation.*