
HOUSE BILL 2137

State of Washington 62nd Legislature 2011 2nd Special Session

By Representatives Blake, Kretz, Van De Wege, Condotta, Overstreet, Rodne, Chandler, Shea, Moscoso, Tharinger, Klippert, Ormsby, Hurst, Ross, Green, Taylor, Warnick, Short, and Orcutt

Read first time 11/30/11. Referred to Committee on Judiciary.

1 AN ACT Relating to the transportation and storage of firearms and
2 ammunition in privately owned motor vehicles; adding a new section to
3 chapter 9.41 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature intends by this act to
6 protect the right of each citizen to lawfully transport and store
7 firearms within his or her private vehicle for lawful purposes in any
8 place the vehicle is otherwise permitted to be and whenever this would
9 not contravene existing federal or state law.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
11 to read as follows:

12 (1) A business, commercial enterprise, or employer may not
13 establish, maintain, or enforce a policy or rule that prohibits or has
14 the effect of prohibiting a person from transporting or storing any
15 firearm or ammunition in a privately owned motor vehicle when the
16 person is in compliance with all other applicable laws and the firearm
17 or ammunition is locked out of sight within the trunk, glove box, or

1 other enclosed compartment or area within or on the privately owned
2 motor vehicle.

3 (2)(a) A person who would be entitled legally to transport or store
4 a firearm or ammunition, but is denied the ability to transport or
5 store a firearm or ammunition by a policy that violates subsection (1)
6 of this section, may bring a civil action in the appropriate court to
7 enjoin any business, commercial enterprise, or employer from violating
8 subsection (1) of this section. In any action brought pursuant to this
9 section, court costs and reasonable attorneys' fees shall be awarded to
10 the prevailing plaintiff.

11 (b) A person who is injured or incurs damages, or the survivors of
12 a person killed, as a result of a violation of subsection (1) of this
13 section, may bring a civil action for damages in the appropriate court
14 against any business entity, commercial enterprise, or employer who
15 committed or caused such violation.

16 (3) No employer may discharge or discipline an employee for
17 violating a policy or rule established, maintained, or enforced in
18 violation of subsection (1) of this section. If an employer discharges
19 an employee in violation of this subsection, the employee shall have a
20 cause of action against the employer. The employer shall be liable for
21 the amount of damages suffered as a result of the violation and for
22 costs and reasonable attorneys' fees. The employer may also be ordered
23 to reinstate the aggrieved employee.

24 (4) No business, commercial enterprise, or employer shall be held
25 liable in any civil action for damages based on property damage,
26 physical injuries, or death resulting from or arising out of another
27 person's actions involving a firearm or ammunition transported or
28 stored in a privately owned vehicle pursuant to subsection (1) of this
29 section including, but not limited to, the theft of a firearm from an
30 employee's automobile. Nothing contained in this section shall create
31 a new duty on the part of any business, commercial enterprise, or
32 employer beyond the duty specified in subsection (1) of this section.

33 (5) In any action relating to the enforcement of any right or
34 obligation under this section, the reasonable, good-faith efforts of a
35 business, commercial enterprise, or employer to comply with other
36 applicable and irreconcilable federal or state safety laws or
37 regulations shall be a complete defense to the liability of any
38 business, commercial enterprise, or employer.

1 (6) As used in this section, "motor vehicle" means any automobile,
2 truck, van, minivan, sports utility vehicle, motorcycle, motor scooter,
3 or any other vehicle required to be registered under state law.

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