

## LOUISIANA'S VERSION OF "BRING YOUR GUNS TO WORK"

Insights

Jul 7, 2008

The State of Louisiana became the latest, following at least Florida and Georgia, to enact a law specifically allowing employees to bring guns to the workplace, subject to certain limitations. The law is not as extensive as similar legislation in some other states, and contains various protections for employers. It should still be viewed with some concern, but not alarm, by Louisiana businesses.

### Curious Motivation

The law was supported by the National Rifle Association, but unlike the laws in Florida and Georgia, this bill was not filed at the instigation of the NRA. Rather, it appears to have been a favor by one legislator to a constituent who was fired for showing up at his employer's place of business with a shotgun in his car, after coming to work directly from a hunting trip. Rather than advising his constituent to be more careful and to follow the rules next time, Sen. Joe McPherson introduced SB 51, changing the law of the State.

His fellow legislators passed the gun bill with little opposition. Louisiana Gov. Bobby Jindal signed the bill on July 2nd.

### Provisions

The law applies to persons who may lawfully possess firearms, giving them the right to transport or store their firearms in a locked, privately-owned motor vehicle, "in any parking lot, parking garage, or other designated parking area."

Property owners, tenants, public or private employers, and business entities may not prohibit any person from transporting or storing firearms pursuant to the law. Employers and business entities may, however, adopt policies requiring that the firearms be hidden from plain view, or that they be kept within a locked case or container within the vehicle.

The law does not apply to locations where possession of firearms is prohibited under state or federal law, and does not apply to company vehicles used by employees in the course of employment.

Nor does it apply if the employer or business entity restricts access to its parking area through the use of a fence, gate, security station, signage, or other means of restricting or limiting general public access *and* either 1) provides facilities for the temporary storage of unloaded firearms, or 2) provides an alternative parking area reasonably close to the main parking area in which employees may store their firearms in a locked, privately-owned vehicle.

Since the law forbids an employer from prohibiting “any person” from transporting or storing a gun on a company parking lot, it apparently covers not only employees, but guests, business invitees, strangers and trespassers.

### **Enforcement**

Perhaps best of all, from an employer’s standpoint, is the lack of any monetary penalties for violations of the law. Presumably, the law would be enforced through an injunctive action brought by an employee. There is also a provision supposedly protecting employers from liability “for damages arising out of an occurrence involving a firearm...stored pursuant to this [law].”

But the protection from liability is limited: there can still be liability for any “violation of Subsection C” of the law. Subsection C is the part that makes it unlawful to prohibit employees from transporting or storing firearms, but it’s also the part that allows an employer to specify that firearms must be hidden from plain view or within a locked case. Does that mean that if an employer establishes a policy requiring that firearms be hidden from plain view, or placed within a locked case within the vehicle, that the protection from liability no longer applies? While such an interpretation is unlikely, the law is new and untested.

### **What Action Needs to be Taken?**

This law should not result in employers running to their handbooks to drastically change policies. If you currently allow employees to keep guns in their locked vehicles at work, nothing has changed. If you currently prohibit guns, even in the parking lot, you should clarify that cars and trucks with guns in them must remain locked – a good idea under any circumstances.

If you are not already doing it, you should also consider restricting access to your parking lot through some means: signage at a minimum, but a fence, gate or security station if necessary; and designating an area of the parking lot for (locked) vehicles with guns.

For more information contact any attorney in our New Orleans office at 504.522.3303.

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*This Legal Alert provides highlights of a specific law. It is not intended to be, nor should it be construed as, legal advice for any particular fact situation.*