

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE BILL NO. 1142

Introduced by: Representatives Wiik, Deutsch, DiSanto, Haggar (Don), Harrison, Klumb, Marty, May, Otten (Herman), Qualm, Russell, Stalzer, and Verchio and Senators Greenfield (Brock), Curd, Ewing, Haggar (Jenna), Jensen (Phil), and Olson

1 FOR AN ACT ENTITLED, An Act to prohibit businesses and employers from establishing
2 certain policies against the ability of an employee or invitee to store firearms and
3 ammunition in a locked motor vehicle parked on the premises.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That the code be amended by adding a NEW SECTION to read:

6 No business or other public or private employer may establish, maintain, or enforce a policy
7 or rule that prohibits any person from transporting or storing, on any area provided for invitee
8 or employee parking, a firearm or ammunition if the person is otherwise in compliance with all
9 applicable state laws and rules and the firearm or ammunition is locked out of sight within the
10 trunk, glove box, or other enclosed compartment or area within a privately-owned motor
11 vehicle.

12 Section 2. That the code be amended by adding a NEW SECTION to read:

13 Any person who is legally entitled to transport or store a firearm or ammunition, but is
14 denied the opportunity to do so by a policy or rule prohibited by section 1 of this Act, may bring



1 a civil action in the appropriate court to enjoin any business entity or other public or private
2 employer from violating section 1 of this Act. In an action brought pursuant to this section, court
3 costs and attorney's fees shall be awarded to the prevailing plaintiff.

4 Section 3. That the code be amended by adding a NEW SECTION to read:

5 Any employee discharged by any business or other public or private employer for a violation
6 of a policy or rule prohibited by section 1 of this Act, if the employee was lawfully transporting
7 or storing a firearm or ammunition out of plain sight in a locked motor vehicle is entitled to the
8 recovery of the following:

- 9 (1) Reinstatement to the same position held at the time of the employee's termination
10 from employment, or to an equivalent position;
- 11 (2) Reinstatement of the employee's full fringe benefits and seniority rights;
- 12 (3) Compensation for lost wages, benefits, or other lost remuneration caused by the
13 termination; and
- 14 (4) Payment of reasonable attorney's fees and legal costs incurred.

15 Section 4. That the code be amended by adding a NEW SECTION to read:

16 No business or other public or private employer may be held liable in any civil action for
17 damages, injuries, or death resulting from or arising out of another person's actions involving
18 a firearm or ammunition transported or stored pursuant to this Act including the theft of a
19 firearm from an employee's or invitee's automobile, unless the business or other public or
20 private employer solicited or procured the injurious actions.