

SENATE BILL 1733

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, relative to state weapons regulation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1313, is amended by deleting the entire section and by substituting instead the following language:

(a) For purposes of this section:

(1) "Personal property" means any item that is lawfully owned or possessed by a person and includes, but is not limited to, firearms or firearm ammunition.

(b) An individual who is lawfully in possession of a motor vehicle or an occupant of a motor vehicle may transport and store in such motor vehicle any item of personal property.

(c) An owner of a motor vehicle may deny to any occupant or operator of such motor vehicle permission to transport and store any specific item of personal property.

(1) Any such denial shall be made by the owner of the motor vehicle in writing and acknowledged in writing by each occupant or operator.

(2) This subsection shall not apply to any leased or rented motor vehicles.

(d) An item of personal property may be:

(1) Removed from a vehicle or handled in the case of:

(A) Self-defense;

(B) Defense of another; or

(C) Defense of property.

(2) Stored in any part of the motor vehicle or as otherwise authorized by the real property owner, lessee, or manager.

(e) No person, business entity, employer, or governmental entity who is the owner, lessee, or manager of real property shall prohibit any person who is entitled to park a motor vehicle, or traverse on such real property from transporting and storing personal property pursuant to this section. This subsection shall not apply to the owner or occupant of a detached single family residence that is not open to the public for business purposes and that is posted pursuant to § 39-17-1359. Notwithstanding any statutory provision to the contrary, including but not limited to, those contained in Title 39, Chapter 17, Part 13, this section shall control.

(f) No person, business entity, employer, or governmental entity who is the owner, lessee, or manager of real property shall prohibit, bring criminal charges against, or take any other adverse action against any person transporting or storing personal property pursuant to this section. Any person, business entity, employer, or governmental entity that takes any adverse action, including, but not limited to, firing, disciplining, demoting, or otherwise punishing a person engaging in conduct in compliance with this section shall be liable for civil damages.

(g) In any civil action brought under this section, the court may grant relief as it deems appropriate, including any permanent or temporary injunction against any person, business entity, employer, or governmental entity who is the owner, lessee, or manager of real property. Such actions may be brought in a representative capacity. A person who prevails in any proceeding to enforce this section against any person, business entity, employer, or governmental entity shall recover reasonable attorneys' fees, expert witness fees, and court costs. In determining what reasonable attorney fees are for the prevailing party, the judge shall take into positive consideration whether the action was brought on a contingency fee basis.

(h) No person, business entity, employer, or governmental entity who is the owner, lessee, or manager of real property shall be liable in any civil action for damage, injury or death resulting from or arising out of actions of a person that is authorized by this section unless the person or entity commits an offense involving the stored personal property or otherwise solicits, induces, or procures the conduct resulting in the damage, injury, or death.

(i) This section shall not apply to any real property where another state statute expressly references this section and states that notwithstanding this section it shall control.

SECTION 2. Tennessee Code Annotated, Section 39-17-1359(a)(1), is amended by deleting the language "Except as provided in § 39-17-1313, an individual, corporation" and by substituting instead the language "An individual, corporation".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.