

HOUSE BILL No. 5574

April 19, 2016, Introduced by Reps. Cole, Chatfield, Johnson, Glenn, Inman, Aaron Miller, Runestad, Love, Goike, Vaupel, Kelly, Whiteford, Graves and Theis and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

(MCL 28.421 to 28.435) by amending the title, as amended by 2012 PA 123, and by adding sections 1c and 16.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate and license the selling, purchasing, possessing, ~~and carrying~~, **TRANSPORTING, AND STORING** of certain

1 firearms, **AMMUNITION**, gas ejecting devices, and electro-muscular
2 disruption devices; to prohibit the buying, selling, or carrying of
3 certain firearms, gas ejecting devices, and electro-muscular
4 disruption devices without a license or other authorization; to
5 provide for the forfeiture of firearms and electro-muscular
6 disruption devices under certain circumstances; to provide for
7 penalties and remedies; to provide immunity from civil liability
8 under certain circumstances; to prescribe the powers and duties of
9 certain state and local agencies **AND BUSINESS ENTITIES AND**
10 **EMPLOYERS**; to prohibit certain conduct against individuals who
11 apply for or receive a license to carry a concealed pistol; to make
12 appropriations; to prescribe certain conditions for the
13 appropriations; and to repeal all acts and parts of acts
14 inconsistent with this act.

15 **SEC. 1C. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE**
16 **"MICHIGAN FIREARMS ACT".**

17 **SEC. 16. (1) AN INDIVIDUAL WHO LAWFULLY POSSESSES A FIREARM OR**
18 **AMMUNITION MAY TRANSPORT THAT FIREARM OR AMMUNITION IN A PRIVATELY**
19 **OWNED OR OPERATED MOTOR VEHICLE OR STORE THAT FIREARM OR AMMUNITION**
20 **IN A PARKED AND LOCKED PRIVATELY OWNED OR OPERATED MOTOR VEHICLE**
21 **THAT IS PRESENT IN A BUSINESS'S, COMMERCIAL ENTERPRISE'S,**
22 **EMPLOYER'S, OR STATE SERVICE AGENCY'S PARKING LOT, PARKING GARAGE,**
23 **AREA DESIGNATED OR OTHERWISE USED FOR PARKING VEHICLES, OR AREA**
24 **USED TO TRANSFER, HOLD, OR LOAD GOODS AND SERVICES IF THE FIREARM**
25 **IS KEPT OUT OF PLAIN VIEW AND IN A MANNER DESCRIBED IN CHAPTER**
26 **XXXVII OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.222 TO**
27 **750.239A, OR OTHERWISE ALLOWED BY LAW.**

1 (2) A PERSON, BUSINESS, COMMERCIAL ENTERPRISE, EMPLOYER, OR
2 STATE SERVICE AGENCY SHALL NOT PROHIBIT AN INDIVIDUAL WHO LAWFULLY
3 POSSESSES A FIREARM FROM TRANSPORTING OR STORING THE FIREARM OR
4 AMMUNITION IN A LOCKED AND PRIVATELY OWNED OR OPERATED MOTOR
5 VEHICLE THAT IS PARKED IN A PARKING LOT, PARKING GARAGE, AREA
6 DESIGNATED FOR PARKING VEHICLES, OR AREA USED TO TRANSFER, HOLD, OR
7 LOAD GOODS AND SERVICES IN COMPLIANCE WITH SUBSECTION (1).

8 (3) EXCEPT IN CASES OF GROSS NEGLIGENCE, A BUSINESS,
9 COMMERCIAL ENTERPRISE, EMPLOYER, OR STATE SERVICE AGENCY IS NOT
10 LIABLE IN A CIVIL ACTION FOR DAMAGES RESULTING FROM OR ARISING OUT
11 OF ANOTHER INDIVIDUAL'S ACT INVOLVING A FIREARM OR AMMUNITION THAT
12 IS TRANSPORTED OR STORED AS DESCRIBED IN SUBSECTION (1).

13 (4) AN INDIVIDUAL WHO WAS OR WOULD BE DENIED THE ABILITY TO
14 TRANSPORT OR STORE A FIREARM OR AMMUNITION BY A VIOLATION OF
15 SUBSECTION (2) AND BUT FOR THAT VIOLATION WOULD BE OR WAS ENTITLED
16 LEGALLY TO DO SO MAY BRING AN ACTION TO ENJOIN ANY PERSON, BUSINESS
17 ENTITY, COMMERCIAL ENTERPRISE, EMPLOYER, OR STATE SERVICE AGENCY
18 FROM VIOLATING SUBSECTION (2). A PREVAILING PLAINTIFF UNDER THIS
19 SUBSECTION SHALL BE AWARDED COSTS AND ATTORNEY FEES.

20 (5) A BUSINESS, COMMERCIAL ENTERPRISE, EMPLOYER, OR STATE
21 SERVICE AGENCY SHALL NOT DISCHARGE, OR OTHERWISE PENALIZE, AN
22 EMPLOYEE FOR TRANSPORTING OR STORING A FIREARM OR AMMUNITION AS
23 AUTHORIZED UNDER SUBSECTION (1). AN EMPLOYEE WHO TRANSPORTS OR
24 STORES A FIREARM OR AMMUNITION AS AUTHORIZED UNDER SUBSECTION (1)
25 AND IS DISCHARGED BY A BUSINESS, COMMERCIAL ENTERPRISE, EMPLOYER,
26 OR STATE SERVICE AGENCY FOR VIOLATING A POLICY OR RULE PROHIBITED
27 UNDER SUBSECTION (2) MAY DEMAND THAT THE BUSINESS, COMMERCIAL

1 ENTERPRISE, EMPLOYER, OR STATE SERVICE AGENCY TAKE ALL OF THE
2 FOLLOWING ACTIONS:

3 (A) REINSTATE THE EMPLOYEE TO THE SAME POSITION THE EMPLOYEE
4 HELD AT THE TIME OF HIS OR HER TERMINATION FROM EMPLOYMENT, OR TO
5 AN EQUIVALENT POSITION.

6 (B) REINSTATE THE EMPLOYEE'S FULL FRINGE BENEFITS AND
7 SENIORITY RIGHTS, IF ANY.

8 (C) COMPENSATE THE EMPLOYEE FOR ANY LOST WAGES, BENEFITS, OR
9 OTHER LOST REMUNERATION, INCLUDING, BUT NOT LIMITED TO, UNPAID
10 LEAVE OR FURLOUGH, CAUSED BY THE TERMINATION.

11 (D) PAYMENT OF REASONABLE ATTORNEY FEES AND COSTS INCURRED BY
12 THE EMPLOYEE IN SEEKING REDRESS FOR A VIOLATION OF SUBSECTION (2).

13 (6) IF A DEMAND DESCRIBED IN SUBSECTION (5) IS DENIED OR THE
14 BUSINESS, COMMERCIAL ENTERPRISE, EMPLOYER, OR STATE SERVICE AGENCY
15 FAILS TO RESPOND TO THE DEMAND WITHIN 14 DAYS, THE EMPLOYEE MAY
16 BRING A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION FOR
17 WRONGFULLY DISCHARGING OR PENALIZING THE EMPLOYEE IN VIOLATION OF
18 SUBSECTION (5). A PREVAILING PLAINTIFF UNDER THIS SUBSECTION IS
19 ENTITLED TO ALL OF THE REMEDIES DESCRIBED UNDER SUBSECTION (5), AS
20 APPLICABLE.

21 (7) IT IS A COMPLETE DEFENSE TO AN ACTION UNDER THIS SECTION
22 THAT COMPLIANCE WITH THIS SECTION WOULD NECESSITATE THE VIOLATION
23 OF ANOTHER APPLICABLE FEDERAL OR STATE LAW OR REGULATION. HOWEVER,
24 THIS DEFENSE DOES NOT APPLY IF COMPLIANCE WITH THIS SECTION CAN BE
25 RECONCILED WITH THE OTHER LAW OR REGULATION.

26 (8) THIS SECTION DOES NOT APPLY IF THE MOTOR VEHICLE IS OWNED
27 OR LEASED BY THE EMPLOYER AND USED BY AN EMPLOYEE IN THE COURSE AND

1 SCOPE OF THE EMPLOYEE'S EMPLOYMENT, UNLESS THE EMPLOYEE IS REQUIRED
2 TO TRANSPORT OR STORE A FIREARM IN THE DISCHARGE OF THE EMPLOYEE'S
3 DUTIES.

4 (9) THIS SECTION DOES NOT AUTHORIZE AN INDIVIDUAL WHO HOLDS A
5 LICENSE TO CARRY A CONCEALED PISTOL UNDER SECTION 5B OR WHO IS
6 EXEMPT FROM LICENSURE TO POSSESS A CONCEALED PISTOL IN A CONCEALED
7 MANNER OTHER THAN AS PRESCRIBED UNDER THIS ACT.

8 (10) AS USED IN THIS SECTION, "MOTOR VEHICLE" MEANS ANY
9 VEHICLE THAT IS REQUIRED TO BE REGISTERED WITH THE SECRETARY OF
10 STATE, INCLUDING, BUT NOT LIMITED TO, AN AUTOMOBILE, TRUCK,
11 MINIVAN, SPORTS UTILITY VEHICLE, MOTORCYCLE, OR ANY VEHICLE USED AS
12 A COMMERCIAL MOTOR VEHICLE.