

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

385S0646

## HOUSE BILL NO. 1204

Introduced by: Representatives Russell, Brunner, Greenfield, Hansen (Jon), Hickey, Hubbel, Jensen, Kloucek, Kopp, Liss, Nelson (Stace), Olson (Betty), Schrempp, Stricherz, Venner, and Verchio and Senators Begalka, Frerichs, Holien, Kraus, Lederman, Rampelberg, and Sutton

1 FOR AN ACT ENTITLED, An Act to prohibit businesses and employers from establishing  
2 certain policies against the ability of an invitee or employee 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. No business or other public or private employer may establish, maintain, or  
6 enforce a policy or rule that prohibits any person from transporting or storing, on any area  
7 provided for invitee or employee parking or in any other public place, a firearm or ammunition  
8 if the person is otherwise in compliance with all applicable state statutes and rules and the  
9 firearm or ammunition is locked out of sight within the trunk, glove box, or other compartment  
10 or area within a privately-owned motor vehicle.

11 Section 2. Any person who is legally entitled to transport or store a firearm or ammunition,  
12 but is denied the opportunity to do so by a policy or rule prohibited by section 1 of this Act, may  
13 bring a civil action in the appropriate court to enjoin any business entity or other public or  
14 private employer from violating section 1 of this Act. In any actions brought pursuant to this



1 section, court costs and attorney fees shall be awarded to the prevailing plaintiff.

2 Section 3. Any employee discharged by any business or other public or private employer for  
3 a violation of a policy or rule prohibited by section 1 of this Act, if the employee was lawfully  
4 transporting or storing a firearm or ammunition out of plain sight in a locked motor vehicle is  
5 entitled to the recovery of the following:

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

12 Section 4. No business or other public or private employer may be held liable in any civil  
13 action for damages, injuries, or death resulting from or arising out of another person's actions  
14 involving a firearm or ammunition transported or stored pursuant to this Act including the theft  
15 of a firearm from an employee's or invitee's automobile, unless the business or other public or  
16 private employer solicited or procured the injurious actions.