

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SENATE BILL 1168

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 18;
RELATING TO TRANSPORTATION AND STORAGE OF FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 6, Arizona Revised Statutes, is amended
3 by adding article 18, to read:

4 ARTICLE 18. FIREARMS STORAGE AND TRANSPORTATION

5 12-781. Transportation or storage of firearms: motor vehicles:
6 applicability

7 A. A PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS
8 ENTITY SHALL NOT ESTABLISH, MAINTAIN OR ENFORCE A POLICY OR RULE THAT
9 PROHIBITS A PERSON FROM LAWFULLY TRANSPORTING OR LAWFULLY STORING ANY FIREARM
10 THAT IS BOTH:

11 1. IN THE PERSON'S LOCKED AND PRIVATELY OWNED MOTOR VEHICLE OR IN A
12 LOCKED COMPARTMENT ON THE PERSON'S PRIVATELY OWNED MOTORCYCLE.

13 2. NOT VISIBLE FROM THE OUTSIDE OF THE MOTOR VEHICLE OR MOTORCYCLE.

14 B. ANY POLICY OR RULE THAT IS ESTABLISHED OR MAINTAINED OR THE
15 ATTEMPTED ENFORCEMENT OF ANY POLICY OR RULE THAT IS IN VIOLATION OF
16 SUBSECTION A IS CONTRARY TO PUBLIC POLICY, IS NULL AND VOID AND DOES NOT HAVE
17 LEGAL FORCE OR EFFECT.

18 C. THIS SECTION DOES NOT APPLY IF:

19 1. THE POSSESSION OF THE FIREARM IS PROHIBITED BY FEDERAL OR STATE
20 LAW.

21 2. THE MOTOR VEHICLE IS OWNED OR LEASED BY A PUBLIC OR PRIVATE
22 EMPLOYER OR BUSINESS ENTITY AND IS USED BY AN EMPLOYEE IN THE COURSE OF THE
23 EMPLOYMENT, UNLESS THE EMPLOYEE IS REQUIRED TO STORE OR TRANSPORT A FIREARM
24 IN THE OFFICIAL DISCHARGE OF THE EMPLOYEE'S DUTIES OR IF THE PUBLIC OR
25 PRIVATE EMPLOYER OR BUSINESS ENTITY CONSENTS TO THE TRANSPORTATION OR STORAGE
26 OF THE FIREARM.

27 3. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS
28 ENTITY PROVIDES A PARKING LOT, PARKING GARAGE OR OTHER AREA DESIGNATED FOR
29 PARKING MOTOR VEHICLES, THAT:

30 (a) IS SECURED BY A FENCE OR OTHER PHYSICAL BARRIER.

31 (b) LIMITS ACCESS BY A GUARD OR OTHER SECURITY MEASURE.

32 (c) PROVIDES TEMPORARY AND SECURE FIREARM STORAGE. THE STORAGE SHALL
33 BE MONITORED AND READILY ACCESSIBLE ON ENTRY INTO THE PREMISES AND ALLOW FOR
34 THE IMMEDIATE RETRIEVAL OF THE FIREARM ON EXIT FROM THE PREMISES.

35 4. THE PROPERTY OWNER'S, TENANT'S, PUBLIC OR PRIVATE EMPLOYER'S OR
36 BUSINESS ENTITY'S COMPLIANCE WITH THIS SECTION NECESSITATES THE VIOLATION OF
37 ANOTHER APPLICABLE FEDERAL OR STATE LAW OR REGULATION.

38 5. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS
39 ENTITY IS A NUCLEAR GENERATING STATION THAT PROVIDES A SECURED AND GATED OR
40 FENCED PARKING LOT, PARKING GARAGE OR OTHER AREA DESIGNATED FOR PARKING MOTOR
41 VEHICLES AND PROVIDES TEMPORARY AND SECURE FIREARM STORAGE. THE STORAGE
42 SHALL BE READILY ACCESSIBLE ON ENTRY INTO THE PREMISES AND ALLOW FOR THE
43 IMMEDIATE RETRIEVAL OF THE FIREARM ON EXIT FROM THE PREMISES.

1 6. THE PARKING LOT, PARKING GARAGE OR OTHER AREA DESIGNATED FOR
2 PARKING MOTOR VEHICLES IS ON AN OWNER OCCUPIED SINGLE FAMILY DETACHED
3 RESIDENCE OR A TENANT OCCUPIED SINGLE FAMILY DETACHED RESIDENCE.

4 7. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS
5 ENTITY IS A CURRENT UNITED STATES DEPARTMENT OF DEFENSE CONTRACTOR AND THE
6 PROPERTY IS LOCATED IN WHOLE OR IN PART ON A UNITED STATES MILITARY BASE OR A
7 UNITED STATES MILITARY INSTALLATION. IF ANY PART OF THE PROPERTY IS NOT
8 LOCATED ON THE UNITED STATES MILITARY BASE OR UNITED STATES MILITARY
9 INSTALLATION, THE PROPERTY SHALL BE CONTIGUOUS WITH THE BASE OR INSTALLATION.

10 8. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS
11 ENTITY PROVIDES ALTERNATIVE PARKING IN A LOCATION REASONABLY PROXIMATE TO THE
12 PRIMARY PARKING AREA FOR INDIVIDUALS WHO DESIRE TO TRANSPORT OR STORE A
13 FIREARM IN THE INDIVIDUAL'S MOTOR VEHICLE AND DOES NOT CHARGE AN EXTRA FEE
14 FOR SUCH PARKING.

15 Sec. 2. Legislative findings

16 A. The Legislature finds that:

17 1. Article II, section 26, Constitution of Arizona, as well as the
18 Second Amendment to the United States Constitution, protects an individual's
19 right to bear arms in self-defense, that this right is fundamental and is
20 derived from the inherent and fundamental principle of self-preservation and
21 that individuals have a need to protect themselves in both their homes and in
22 their movement throughout this state.

23 2. The enjoyment of this right would be impaired if individuals are
24 deprived of the means of self-defense in their personal motor vehicles.

25 3. Individuals are deprived of the means of self-defense in their
26 personal motor vehicles when property owners, tenants, employers or business
27 entities forbid their invitees, customers, employees and others who are
28 lawfully permitted on their property to possess and store firearms in a
29 locked and privately owned motor vehicle.

30 4. An individual's locked and privately owned motor vehicle is not a
31 public space and an individual has a right to furnish their motor vehicle
32 with items that the individual may legally possess and that enhance the
33 individual's comfort, security, ease of movement and enjoyment of liberty.

34 5. Property owners, tenants, employers or business entities that allow
35 privately owned motor vehicles on their property are not unduly burdened by
36 the presence of legally possessed items that the owner of the motor vehicle
37 has secured within the motor vehicle.

38 6. This act is for the benefit and protection of those individuals who
39 choose to exercise and enforce their fundamental right to bear arms in
40 self-defense in their movements throughout this state, including in their
41 personal motor vehicles.