



## Public Chapter 80 - Firearms in Parking Lots

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## Public Chapter 80 - Firearms in Parking Lots

**Reference Number:** MTAS-2064

On April 6, 2015, Governor Haslam signed Public Chapter 80 (SB1058/HB994) into law. This legislation, which became effective on July 1, 2015, provides employment protection for employees of both public and private employers who possess valid handgun carry permits and do the following:

- a. Park their motor vehicle in a location where it is authorized to be;
- b. Store their firearm and/or ammunition in the motor vehicle where it is kept from ordinary observation while the permit holder is in the vehicle; and
- c. Store their firearm where it is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to such motor vehicle if the permit holder is not in the motor vehicle.

Effective July 1, 2015 and thereafter, employers no longer have the ability to take adverse employment action against employees solely because the employee possesses, stores or transports firearms or firearm ammunition on or in the employer's parking lots, if the employee adheres to the requirements set out above. Additionally, if adverse employment action is taken in violation of this legislation, the employee has the right to sue the employer. Below is a summary of the legislation.

For purposes of the legislation, "[e]mployee" is defined as a natural person who performs services for an employer for valuable consideration and who possesses a valid handgun carry permit recognized in this state. "Employer" is defined as a person, association, or legal or commercial entity receiving services from an employee and, in return, giving compensation of any kind to the employee.

The law provides that no employer shall discharge or take any adverse employment action against an employee solely for transporting or storing a firearm or firearm ammunition in an employer parking area in a manner consistent with § 39-17-1313(a). An employee discharged, or subject to an adverse employment action, will have a cause of action against the employer to enjoin future acts in violation of this section and to recover economic damages plus reasonable attorney fees and costs. Jurisdiction will be the chancery or circuit court having jurisdiction in the county where the alleged employment action occurred.

In any action brought pursuant to this section, the employee shall have the burden of establishing a prima facie case of discharge, or adverse employment action, based solely on the employee's transporting or storing a firearm or firearm ammunition in the employer's parking area in a manner consistent with § 39-17-1313(a). If the employee satisfies this burden, the burden shall then be on the employer to produce evidence that one (1) or more legitimate reasons existed for the employee's discharge or adverse employment action. The burden on the employer is one of production and not persuasion. If the employer produces such evidence, the presumption of discharge, or adverse employment action, raised by the employee's prima facie case is rebutted, and the burden shifts to the employee to demonstrate that the reason given by the employer was not the true reason for the employee's discharge, or adverse employment action, and that the stated reason was a pretext for discharge or adverse employment action.

The allocations of burdens of proof set out apply at all stages of the proceedings, including motions for summary judgment. The employee at all times retains the burden of persuading the trier of fact that the employee has been the victim of discharge, or adverse employment action, based solely on the employee's adherence with § 39-17-1313(a). The employee has one (1) year from the date of termination of employment, or the date of the adverse employment action, to file an action pursuant to this section.

The legislation also provides some protection to employers from potential liability through language that reads "the presence of a firearm or ammunition within an employer's parking area in accordance with § 39-17-1313 does not by itself constitute a failure by the employer to provide a safe workplace."

Finally, the legislation makes it clear that except as provided in § 39-17-1313 for parking areas, none of the language in Tenn. Code Ann. Section 50-1-312 is to be construed as prohibiting an employer from prohibiting firearms or firearm ammunition on any other part of the employer's premises.

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