

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 60

Introduced by Kintner, 2; Craighead, 6; Ebke, 32; Garrett, 3; Schnoor,
15.

Read first time January 08, 2015

Committee: Judiciary

1 A BILL FOR AN ACT relating to firearms; to authorize possession of

2 firearms as prescribed.

3 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section, motor vehicle means
2 any automobile, truck, minivan, sport utility vehicle, motorcycle, motor
3 scooter, or any other vehicle required to be registered under state law
4 when operated on the highways of this state.

5 (2) Except as otherwise provided in this section, any business
6 entity, owner, manager, or legal possessor of real property, or public or
7 private employer shall not establish, maintain, or enforce a policy or
8 rule that prohibits or has the effect of prohibiting a person's
9 transportation or storage of a firearm or ammunition when:

10 (a) The firearm or ammunition:

11 (i) Is kept from ordinary observation within the person's attended,
12 privately-owned motor vehicle; or

13 (ii) Is kept from ordinary observation and locked within the trunk,
14 glove box, or interior of the person's privately-owned motor vehicle or a
15 container securely affixed to such vehicle; and

16 (b) The motor vehicle is operated or parked in a location which is
17 open to the public.

18 (3) A person who is injured or incurs damages, or the survivors of a
19 person killed, as a result of a violation of subsection (2) of this
20 section may bring a civil action against any business entity, owner,
21 manager, or legal possessor of real property, or public or private
22 employer who committed or caused such violation. An employee who is
23 denied the opportunity to transport or store a firearm or ammunition by a
24 policy or rule prohibited by subsection (2) of this section may bring a
25 civil action to enjoin any business entity, owner, manager, or legal
26 possessor of real property, or public or private employer from violating
27 subsection (2) of this section. In any actions brought pursuant to this
28 subsection, court costs and attorney's fees shall be awarded to the
29 prevailing plaintiff.

30 (4) An employee terminated by a public or private employer for a
31 violation of a policy or rule prohibited by subsection (2) of this

1 section is entitled to full recovery as specified in subdivisions (a)
2 through (c) of this subsection. If demand for the recovery has not been
3 satisfied within forty-five calendar days after demand is made, the
4 employee may bring a civil action against the public or private employer
5 and shall be entitled to the following:

6 (a) Reinstatement to the same position held at the time of his or
7 her termination from employment or an equivalent position;

8 (b) Reinstatement of the employee's full benefits and seniority
9 rights, as appropriate; and

10 (c) Compensation, if applicable, for lost wages, benefits, or other
11 lost remuneration caused by the termination.

12 (5) No business entity, owner, manager, or legal possessor of real
13 property, or public or private employer shall be held liable in any civil
14 action for damages, injuries, or death resulting from or arising out of
15 another person's actions involving a firearm or ammunition transported or
16 stored pursuant to subsection (2) of this section, including, but not
17 limited to, the theft of a firearm from an employee's or invitee's
18 automobile, unless the business entity, owner, manager, or legal
19 possessor of real property, or public or private employer intentionally
20 solicited or procured such other person's injurious actions.

21 (6) This section applies notwithstanding the contrary application of
22 any other law, except that this section does not apply if:

23 (a) The person operating the motor vehicle is: (i) Prohibited from
24 possessing, receiving, or transporting firearms under section 28-1206 or
25 18 U.S.C. 922, as such section existed on January 1, 2015, or by any
26 court order; (ii) in violation of section 28-1202; (iii) in violation of
27 section 28-1203; (iv) in violation of section 28-1204; (v) in violation
28 of section 28-1204.04; (vi) in violation of section 28-1207; (vii) in
29 violation of section 28-1212.03; or (viii) in violation of section
30 37-522; or

31 (b) The motor vehicle is on the grounds of an owner-occupied single-

1 family detached residence or a tenant-occupied single-family detached
2 residence;

3 (c) The motor vehicle is owned or leased by an employer and is being
4 used by an employee during and in the course of the employee's duties on
5 behalf of the employer;

6 (d) The motor vehicle is located in any place where firearms are
7 expressly prohibited by federal law; or

8 (e) The motor vehicle is operated or parked in a private location
9 which is not open to the public.

10 (7) It is the intent of this section to reinforce and protect the
11 right of each citizen to lawfully transport and store firearms within his
12 or her private motor vehicle for lawful purposes in any place which is
13 open to the public. This section is to be liberally construed to
14 effectuate this purpose.