

## **Chapter 45**

### **Protection of Activities in Private Vehicles**

#### **34-45-101 Title.**

This chapter is known as "Protection of Activities in Private Vehicles."

Enacted by Chapter 379, 2009 General Session

#### **34-45-102 Definitions.**

As used in this chapter:

- (1) "Firearm" has the same meaning as provided in Section 76-10-501.
- (2) "Motor vehicle" has the same meaning as provided in Section 41-1a-102.
- (3) "Person" means an individual, property owner, landlord, tenant, employer, business entity, or other legal entity.

Enacted by Chapter 379, 2009 General Session

#### **34-45-103 Protection of certain activities -- Firearms -- Free exercise of religion.**

- (1) Except as provided in Subsection (2), a person may not establish, maintain, or enforce any policy or rule that has the effect of:
  - (a) prohibiting any individual from transporting or storing a firearm in a motor vehicle on any property designated for motor vehicle parking, if:
    - (i) the individual is legally permitted to transport, possess, purchase, receive, transfer, or store the firearm;
    - (ii) the firearm is locked securely in the motor vehicle or in a locked container attached to the motor vehicle while the motor vehicle is not occupied; and
    - (iii) the firearm is not in plain view from the outside of the motor vehicle; or
  - (b) prohibiting any individual from possessing any item in or on a motor vehicle on any property designated for motor vehicle parking, if the effect of the policy or rule constitutes a substantial burden on that individual's free exercise of religion.
- (2) A person may establish, maintain, or enforce a policy or rule that has the effect of placing limitations on or prohibiting an individual from transporting or storing a firearm in a motor vehicle on property the person has designated for motor vehicle parking if:
  - (a) the person provides, or there is otherwise available, one of the following, in a location reasonably proximate to the property the person has designated for motor vehicle parking:
    - (i) alternative parking for an individual who desires to transport, possess, receive, transfer, or store a firearm in the individual's motor vehicle that:
      - (A) imposes no additional cost on the individual; and
      - (B) is in a location that is legal and safe for parking; or
    - (ii) a secured and monitored storage location where the individual may securely store a firearm before proceeding with the vehicle into the secured parking area; or
  - (b) the person complies with Subsection 34-45-107(5).

Amended by Chapter 251, 2014 General Session

#### **34-45-104 Protection from liability.**

A person that owns or controls a parking area that is subject to this chapter and that complies with the requirements of Section 34-45-103 is not liable in any civil action for any occurrence resulting from, connected with, or incidental to the use of a firearm, by any person, unless the use of the firearm involves a criminal act by the person who owns or controls the parking area.

Enacted by Chapter 379, 2009 General Session

**34-45-105 Cause of action for noncompliance -- Remedies.**

- (1) An individual who is injured, physically or otherwise, as a result of any policy or rule prohibited by Section 34-45-103, may bring a civil action in a court of competent jurisdiction against any person that violates the provisions of Section 34-45-103.
- (2) Any individual who asserts a claim under this section is entitled to request:
  - (a) declaratory relief;
  - (b) temporary or permanent injunctive relief to prevent the threatened or continued violation;
  - (c) recovery for actual damages sustained; and
  - (d) punitive damages, if:
    - (i) serious bodily injury or death occurs as a result of the violation of Section 34-45-103; or
    - (ii) the person who violates Section 34-45-103 has previously been notified by the attorney general that a policy or rule violates Section 34-45-103.
- (3) The prevailing party in an action brought under this chapter may recover its court costs and reasonable attorney fees incurred.
- (4) Nothing in this chapter shall be construed or held to affect any rights or claims made in relation to Title 34A, Chapter 2, Workers' Compensation Act.

Enacted by Chapter 379, 2009 General Session

**34-45-106 Enforcement by attorney general.**

- (1) The attorney general may bring an action to enforce this chapter and may request any relief that is provided for under Section 34-45-105, including a request for damages on behalf of any individual suffering loss because of a violation of this chapter.
- (2) Upon entry of final judgment for a cause of action brought under this section, the court may award restitution, when appropriate, to any individual suffering loss because of a violation of this chapter if proof of loss is submitted to the satisfaction of the court.

Enacted by Chapter 379, 2009 General Session

**34-45-107 Exemptions -- Limitations on chapter -- School premises -- Government entities -- Religious organizations -- Single family detached residential units.**

- (1)
  - (a) School premises, as defined in Subsection 76-3-203.2(1), are exempt from the provisions of this chapter.
  - (b) Possession of a firearm on or about school premises is subject to the provisions of Section 76-10-505.5.
- (2) Government entities, including a local authority or state entity, are subject to the requirements of Title 53, Chapter 5a, Firearm Laws, but are otherwise exempt from the provisions of this chapter.
- (3) Religious organizations, including religious organizations acting as an employer, are exempt from, and are not subject to the provisions of this chapter.

- (4) Owner-occupied single family detached residential units and tenant-occupied single family detached residential units are exempt from the provisions of this chapter.
- (5) A person who is subject to federal law that specifically forbids the presence of a firearm on property designated for motor vehicle parking, or a person who is subject to Section 550 of the United States Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109-295 or regulations enacted in accordance with that section, is exempt from Section 34-45-103 if:
  - (a) providing alternative parking or a storage location under Subsection 34-45-103(2)(a) would pose an undue burden on the person; and
  - (b) the person files a statement with the attorney general citing the federal law that forbids the presence of a firearm and detailing the reasons why providing alternative parking or a storage location poses an undue burden.
- (6) A person who is subject to Section 550 of the United States Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109-295 or regulations enacted in accordance with that section is exempt from this chapter if:
  - (a) the person has attempted to provide alternative parking or a storage location in accordance with Subsection 34-45-103(2)(a);
  - (b) the secretary of the federal Department of Homeland Security notifies the person that the provision of alternative parking or a storage location causes the person to be out of compliance with Section 550 of the United States Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109-295 or regulations enacted in accordance with that section and the person may be subject to punitive measures; and
  - (c) the person files a detailed statement with the attorney general notifying the attorney general of the facts under Subsections (6)(a) and (b).

Amended by Chapter 348, 2016 General Session