



NRA-ILA FACT SHEET

National Rifle Association of America • Institute for Legislative Action • Research & Information Division
11250 Waples Mill Road • Fairfax, VA 22030 • 703-267-1170 • www.nraila.org

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The Truth About Georgia “Parking Lot” Legislation

NRA began promoting “parking lot” legislation in Georgia in 2006. In 2007, a Senate bill (SB 43) died in committee, but a House bill (HB 89) has been carried over to the 2008 session.

Major Provisions of HB 89

- ∞ Protects Constitutional Rights: HB 89 protects employees and the general public against searches of their private vehicles. It does not prevent constitutionally valid law enforcement searches, searches with an employee’s consent to prevent workplace pilfering, or emergency searches to prevent an immediate threat to human health, life or safety.
- ∞ Protects Employees: HB 89 prevents employers from restricting employees’ self-defense and firearm rights with respect to guns in parked vehicles.
 - It does not affect firearm possession in offices, factories, stores or other actual workplaces.
 - The provision doesn’t apply to vehicles in secure, restricted-access lots, or to sensitive workplaces such as jails and prisons, defense contracting firms, and other places with special homeland security protections. HB 89 also allows restrictions on specific employees based on disciplinary issues.
 - In many cases, the state requires employers to provide parking in the first place. It is inconsistent to require businesses to provide public parking, then let businesses exclude certain types of lawfully owned and lawfully possessed property from customers’ and employees’ vehicles.
- ∞ Protects Business: Georgia law already strongly protects landowners and employers from liability for the criminal acts of others. HB 89 strengthens those protections.
 - Under current Georgia statutes and case law, landowners are only liable to visitors for “failure to exercise ordinary care” in keeping their property safe. Property owners do not have to protect against unforeseeable criminal acts.
 - HB 89 protects employers and property owners from liability for misuse of a firearm, unless the employer himself commits a crime with a firearm, or unless the employer anticipated and failed to prevent an armed criminal act by a specific individual on the premises.
 - HB 89 specifies that it creates no “new duty on the part of the employer” or property owner, and that employers or property owners have no obligation to implement any new security measures. New security measures couldn’t be held against the company in court. And if an employer or property owner was sued over criminal use of firearms in the workplace, and won the suit, the losing plaintiff would have to pay all of the defendant’s legal expenses. Corporations and insurers should welcome these provisions, not oppose them.

Responses to Criticism

- ∞ Some have claimed that a “parking lot” bill would raise insurance costs. But insurance markets set premiums based on real world costs. Figures from the U.S. Department of Justice and the Bureau of Labor Statistics prove that corporate firearm policies can’t have much effect in the real world:
 - Over the last decade, workplace homicide rates have been cut in half.
 - Violent crime, especially homicide, has generally declined for over 30 years, and workplace violent crime has decreased even faster.
 - Most gun-related violent crimes in workplaces are committed by non-employees. According to DOJ, 84% of all workplace murders are committed by strangers; only 7% are committed by current or former employees. Naturally, strangers and former employees are not bound by any company policy.
 - Most workplace homicides occur during robberies or attempted robberies, according to DOJ. Obviously, armed robbers disregard any corporate policy against possessing firearms.
- ∞ If anything, HB 89’s liability protections would reduce insurance costs.