MEMORANDUM

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| TO: | Ohio Provider Resource Association Members |
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| FROM: | Robin P. Amicon  Michael C. Griffaton |
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| DATE: | August 17, 2017 |
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| RE: | Transporting or Storing Handguns in Private Vehicles on Employer Property |
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1. **Introduction**

It has come to our attention that some OPRA members were unclear as to whether, under Ohio’s new concealed carry laws, they could prohibit or restrict employees from transporting or storing handguns in their privately-owned vehicles if those privately-owned vehicles are used for company purposes, such as transporting individuals or other work-related tasks. Unfortunately, as explained in more detail below, the new laws passed last year regulating the licensing and carrying of concealed handguns do not address the use of “company vehicles” – only whether the vehicle is privately owned, regardless of how that vehicle is used or if the employee is being reimbursed for mileage for work-related duties.

1. **Legal Requirements**

As you may be aware, the law regarding the licensing and carrying of concealed handguns changed earlier this year.[[1]](#footnote-1) Specifically, Ohio law was revised to allow gun owners to keep handguns in their cars while on their employer’s property.[[2]](#footnote-2) The law states that a business entity, property owner, or public or private employer is prohibited from establishing, maintaining, or enforcing a policy that prohibits or has the effect of prohibiting a person with a concealed handgun license from transporting or storing a firearm or ammunition when: (1) each firearm and all of the ammunition remains inside the person’s privately owned motor vehicle while the person is physically present inside the motor vehicle or is locked within that vehicle’s trunk, glove box, or other enclosed compartment or container; and (2) the vehicle is in a location where it is otherwise permitted to be.[[3]](#footnote-3)

The law does not carve out any exceptions for utilizing a privately-owned vehicle for company purposes. Therefore, under the current law, this means that an employer must permit employees with a concealed handgun license to keep their handguns in their cars when parked in the employer’s parking lot or parking garage, regardless of how the vehicle is being used.

The law does provide business entities, property owners, and public and private employers with immunity in civil actions for damages, injuries, or death resulting from or arising out of another person’s actions involving a firearm or ammunition transported or stored, including the theft of a firearm from an employee’s or invitee’s automobile, unless the business entity, property owner, or public or private employer intentionally solicited or procured the other person’s injurious actions. [[4]](#footnote-4)

Employees will be able to bring a cause of action for injunctive relief against their employers for an alleged violation of this law. New language was included in the recently signed State of Ohio Operating Budget that specifically allows an individual to seek injunctive relief against a business entity, property owner, or public or private employer who prohibits or effectively prohibits the individual’s ability to have a concealed handgun or firearm in his or her motor vehicle where a motor vehicle is normally permitted to be.[[5]](#footnote-5) Since this law is new, there are no cases interpreting this provision. However, prohibiting an employee from having a handgun in their vehicle – even when used for company purposes – would likely provide a basis for injunctive relief. Basically, this means that the employer would be unable to enforce its policy.

We understand that these provisions can create an unclear and possibly worrisome legal environment for employers and business owners. If you have not done so already, you should review your employment policies and practices to ensure they comport with the law’s requirements. Should you have any questions or need additional information or clarification regarding these requirements, please feel free to contact Michael Griffaton at 614.464.8374 or Robin Amicon at 614.464.5466 at the Vorys law firm. As a reminder, OPRA members are entitled to two (2) free hours of legal services per year with the Vorys law firm as part of their annual member benefit.

*Disclaimer: This memorandum is for general information purposes and should not be regarded as legal advice. As always, please let us know if you want more information or have questions about how these requirements apply to your situation.*

1. S.B. 199 (131st G.A.), effective March 21, 2017. [↑](#footnote-ref-1)
2. Ohio Rev. Code § 2323.1210. [↑](#footnote-ref-2)
3. Ohio Rev. Code § 2323.1210(A). [↑](#footnote-ref-3)
4. Ohio Rev. Code § 2323.1210(B). [↑](#footnote-ref-4)
5. Ohio Rev. Code § 2923.1210(B), as amended by Am. Sub. H.B. 49 (132nd G.A.), June 29, 2017. This specific provision has a 90-day effective date of October 29, 2017. [↑](#footnote-ref-5)