

Tennessee Attorney General Clarifies New “Guns in Trunks” Law

William S. Rutchow | May 31, 2013

On July 1, 2013, a new law, [2013 Tenn. Pub. Act, ch 16](#), goes into effect in Tennessee allowing individuals with handgun carry permits to carry firearms and ammunition in their personal vehicles. This “guns in trunks” law has caused employers a great deal of concern that they would no longer be able to prohibit employees from bringing guns onto their property (at least as far as the parking lot). On May 28, 2013, the Tennessee Attorney General issued an [advisory opinion](#) that should alleviate many of those fears.

According to the Attorney General, the guns in trunks law does not preclude an employer from prohibiting employees from having guns on the employer’s property. In the opinion of the Attorney General, the law also does not prohibit an employer from firing an employee for possessing a firearm or firearm ammunition on the employer’s property, even if the employee has a handgun carry permit and the firearm is in a locked vehicle. The advisory opinion further states that the law “only *decriminalizes* the carrying and storage of firearms and firearm ammunition in a permit holder’s privately owned motor vehicles in public and private parking areas.” (emphasis added) The Attorney General went on to say that the law “has no impact on the employment relationship between an employer and an employee.” “[A]n employer may establish employment policies that an employee must follow in the workplace,” the opinion noted, “and such policies may restrict otherwise lawful activities.”

The Attorney General’s opinion is consistent with existing Tennessee law that authorizes employers to prohibit the possession of weapons by any person on property or in buildings owned, operated, or managed by the employer—provided the employer posts a notice at the entrance to the property or building to that effect. Employers that wish to prohibit firearms on company property should continue to post the required notices.

Read together, the two laws and the Attorney General’s opinion should allow an employer to prohibit anyone from bringing weapons into the employer’s buildings and should allow an employer to prohibit employees from bringing guns onto the employer’s property at all—including the parking lot (provided the necessary signs are posted at the entrance to the parking lot). Tennessee law describes two acceptable forms of the notice: (1) the internationally recognized circle and slash sign with the prohibited item(s) in the circle, or (2) a notice stating: “AS AUTHORIZED BY T.C.A. § 39-17-1359, POSSESSION OF A WEAPON ON POSTED PROPERTY OR IN A POSTED BUILDING IS PROHIBITED AND IS A CRIMINAL OFFENSE.”

The Attorney General also determined that the new law allows a handgun permit holder to transport and store a firearm only in the permit holder’s “privately-owned motor vehicle,” which does not include a vehicle leased, rented, or borrowed by the permit holder. Thus, an employer should also be authorized to prohibit employees from carrying firearms in vehicles provided to employees by the employer, regardless of where the vehicle is located.

In summary, it appears that employers that have previously adopted no-weapons policies (and those that wish to do so) may continue to enforce those policies, provided they have a properly posted notice of the policy.

William S. Rutchow is a shareholder in the Nashville office of Ogletree Deakins.

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