

Joshua Stone stopped his car in a College Station, Texas, parking garage exit lane in early February, apparently to rummage for something in the vehicle. Drivers behind him grew impatient, as they often do, and honked their horns to get him to move along. Stone didn't take the noisy nudging very well: News reports said he got out of his car ready for a fight and brandishing a gun.

Thankfully, the 23-year-old didn't hurt anyone, and police arrived to charge him with disorderly conduct and unlawfully carrying a weapon, but it's the kind of scenario that's a nightmare for parking facility owners, managers, and frontline workers. What happens when someone shows up with a weapon?

Workplace shootings are a real concern for business owners. A study by the University of North Carolina found that offices that allow guns on site are five times more likely to experience homicides than those that ban firearms. The U.S. Bureau of Labor Statistics says that in 2010 (the latest year for which statistics are

More states are passing laws that allow firearms to be left in parked cars. Should you worry?

By Kim Fernandez



GUNS

available), 78 percent of workplace homicides were shootings; that year, 405 people were shot dead at work.

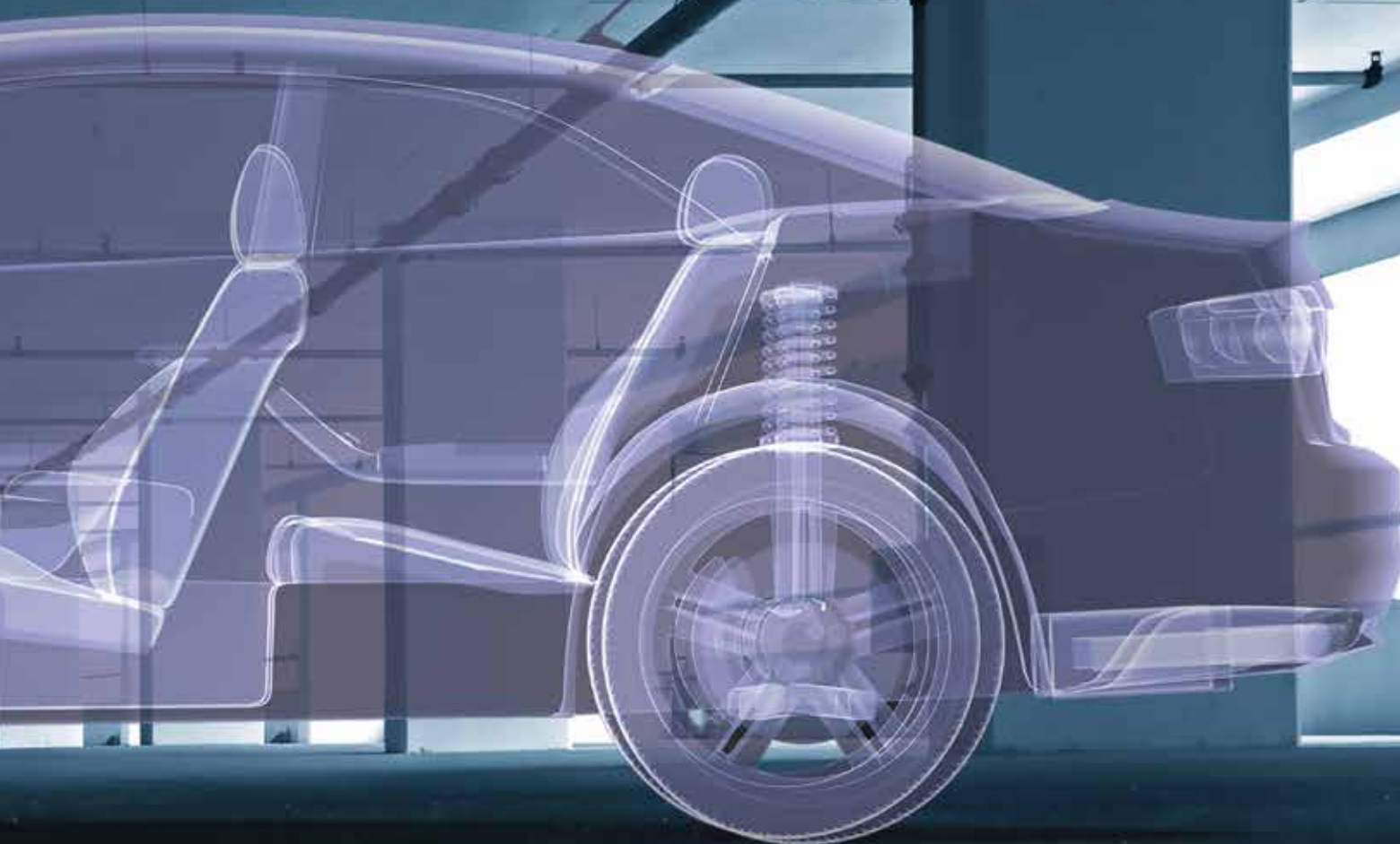
Those numbers—and the resulting media coverage—are largely behind the implementation of so-called guns at work laws around the country. And while those laws may put many business owners' minds at ease, they've had the opposite effect for those in parking.

Guns at Work

According to the Law Center to Prevent Gun Violence, a San Francisco-based organization that works on “the promotion of smart gun laws that save lives,” 22 U.S.

states have passed guns at work laws since the first ones were written in 2005. While each has its own nuances, the basics are the same: Employees must be allowed to keep guns in their vehicles while they're at work even if their employers ban weapons on the job.

The Law Center says the trend may spell very bad news for parking professionals. “The more guns that are around, especially in public places, including private spaces open to the public, the more potential there is for accidents or intentional use of a gun that could end in an injury or death,” says Senior Staff Attorney Laura Cutilletta. “I certainly think it's a cause for concern.”



IN THE LOT



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There is currently no federal law that restricts the open carry of firearms in public, excluding regulations specific to property owned or operated by the government. Gun laws are left to the states:

- California, Florida, Illinois, and Washington, D.C., prohibit any open carrying of firearms in public.
- New York, South Carolina, and Texas prohibit open carrying of handguns but not of long guns (rifles, shotguns, etc.).
- Massachusetts, Minnesota, and New Jersey prohibit open carrying of long guns but not of handguns.
- Connecticut, Georgia, Hawaii, Indiana, Iowa, Maryland, Massachusetts, Minnesota, New Jersey, Oklahoma, Rhode Island, Tennessee, and Utah allow open carry of handguns by those with a permit or license.

While guns at work laws are designed to let workers leave weapons in their parked cars, they do vary. Some only mandate it on employer-owned lots; some apply only to drivers who have carry permits; and some say guns are allowed in parked cars anywhere at any time by anyone.

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As more of these laws are passed, should you be concerned? That depends who you believe.

Parking Concerns

"From a practical standpoint, this means almost nothing," says Steve Wolf, author of *The Smart Citizen's Guide to Concealed Carry* and owner of Tactical Choices, which offers firearms and self-defense training in Austin, Texas. "The number of guns in cars compared with the number of cars parked is infinitesimal. You can probably park cars for 10 years and not come across a firearm."

Others agree. "The reality is that people who are likely to cause trouble are criminals who by definition don't follow the laws anyway," says Chicago attorney Chris Shepherd, who studies gun laws. "They are already armed, and they're already coming into businesses with their guns."

"I've been a criminal defense lawyer for eight years," he says. "Criminals are, by definition, people who don't follow the law."

"There's no reason to be nervous," adds David Kopel, research director, Independence Institute, and adjunct professor of advanced constitutional law, Denver University Sturm College of Law. "These laws have existed in many states for years, and there have been no problems."

He may be right—there are no readily-available statistics on guns in parked cars. Still, not everyone thinks laws that allow weapons on the parking lot are a good thing.

"This started a few years ago," says Cutilletta. "Someone took a gun to work and was disciplined for it, and it got a lot of publicity and gave rise to these laws. When one or two states do something, it becomes a trend. The gun lobby was pushing for this particular law and had model language they sent around to legislators."

Kopel says the laws help protect employees and drivers' rights. "The decision is that people have a right to carry guns in most states, usually after a licensing process that involves a fingerprint background check and safety training," he says. "People also recognize this as a social matter—people commute. It's not like we live across the street from the factory where we work."

He says gun owners aren't always looking for confrontation, either. "In some areas of the country, it's pretty common to work until 3 p.m. during hunting season and then go out hunting and have fun after work," he says.

The National Rifle Association—among the biggest gun lobbies in the U.S.—didn't respond to interview requests for this story. But Cutilletta says the push for guns at work laws seems to have slowed.

"States that are interested in doing this have done it," she says. "It seems to, hopefully, have spread as far as it's going to, but you can never be sure."

Discharges

Cutilletta points out that even in states where guns are allowed inside vehicles in any parking facility, they must be stored according to state laws; in most cases, that's unloaded in a locked container. That might help alleviate parking owners' fears that guns in cars could be stolen and used to commit crimes on site.

"Parking attendants have a possibility of being in a car that contains a firearm," says Wolf. "But if they've been trained, they know they have no business touching property in the vehicle other than the keys, the wheel, and the transmission shifter. The temptation for theft may exist, but parking companies have to have liability insurance to protect against theft."

Background checks of employees are also critical, he says. "The theft of a firearm may be a higher order of crime than the theft of other property, especially if the background of the person parking the car included any felony convictions," he says.

And, he points out, modern weapons make accidental discharges of guns not in someone's hands pretty unlikely. "Modern firearms don't go off by themselves," he says. "There's not a risk of accidental discharge unless it's touched."

Guns at Work Laws, State-by-State

State	Year Enacted	What the Law Does
Alaska	2005	Requires all businesses, property owners, and tenants to allow firearms in parking areas.
Alabama	2013	Requires all property owners to allow firearms in parking areas.
Arizona	2009	Requires employers, businesses, tenants, and property owners to allow firearms in parking areas.
Florida	2008	Requires employers to allow firearms in custome, employee, or invitee vehicles in parking areas.
Georgia	2008	Requires employers to allow firearms in employee vehicles in parking areas.
Illinois	2013	Requires any private property owner, except a private residence, to allow concealed carry license holders to possess and store firearms in vehicles in parking areas.
Indiana	2010	Requires employers to allow firearms in employee vehicles in parking areas.
Kansas	2010	Requires employers to allow firearms in employee vehicles in parking areas.
Kentucky	2006	Requires any employer, owner, or lessee to allow firearms in vehicles in parking areas.
Louisiana	2008	Requires property owners, tenants, business owners, and employers to allow firearms in vehicles in parking areas.
Maine	2011	Requires employers to allow firearms in vehicles in parking areas.
Minnesota	2003	Requires property owners and operators to allow firearms in vehicles in parking areas.
Missouri	2013	Requires state employers to allow firearms in parking areas.
Mississippi	2006	Requires employers to allow firearms in vehicles in parking areas.
North Carolina	2013	Requires state government agencies, k-12 schools, and universities and colleges to allow firearms in parking areas.
North Dakota	2011	Requires landowners to allow firearms in customer, employee, and invitee vehicles in parking areas.
Nebraska	2009	Requires property owners and operators to allow firearms in vehicles in parking areas.
Oklahoma	2005	Requires any person, business owner, tenant, or employer to allow firearms in vehicles in parking areas.
Tennessee	2013	Provides that a concealed carry permit holder may transport and store a firearm or ammunition in his or her vehicle in any public or private parking area.
Texas	2011 and 2013	Requires employers to allow firearms in vehicles in parking areas. And, in 2013, prohibits an institution of higher education from prohibiting a student who is a concealed carry permit holder from transporting or storing a handgun or ammunition in a vehicle on a street, driveway, or parking area located on the campus.
Utah	2009	Requires any person or entity to allow firearms in vehicles in parking areas.
Wisconsin	2011	Requires property owners to allow firearms in vehicles in parking areas.

SOURCE: LAW CENTER TO PREVENT GUN VIOLENCE

Parking Facility Rights

Whether privately-owned parking lots have to comply with guns at work laws is a bit murky. Most experts agree that municipal, hospital, university, and airport facilities are subject to regulations that govern those organizations: if the municipal or campus lot is in an area where firearms are allowed, they're also permitted in parked cars. But owners of private garages and lots may have a leg to stand on if they want to ban guns.

"As a private property owner, you're free to do what you want," says Kopel. "Many state laws say that if you're going to forbid guns on private property or at a business that's open to the public, you have to post that there are no guns or guns of a certain size. It's really a state-by-state thing, and the key is to consult an attorney in your own state."

It's also important to bear in mind that parking attendants may be permitted by state law to carry firearms and parking operations need to have written policies on firearms. Wolf cautions that regulations about training and permits still apply where guns are allowed: a parking worker in a state that bans open carry can't bring a gun to work.

Finally, Cutilletta says, lot and garage owners should remember that overarching rules about guns supersede parking-specific regulations. "All of these laws, no matter how broad, require that it be a lawful possession to begin with," she says. "If you're breaking the law in some other way—you're prohibited from possessing a gun or you're storing it in a way not in keeping with state law—guns at work laws do not apply and the property owner is able to take action."



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