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HOUSE BILL 179

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Judy Vanderstar Russell

AN ACT

RELATING TO FIREARMS; ENACTING THE FIREARMS INDUSTRY LAWSUIT
REFORM ACT; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Firearms Industry Lawsuit Reform Act".

Section 2. LEGISLATIVE FINDINGS.--

A. The legislature finds that the lawful design,
marketing, distribution, manufacture, sale or transfer of
firearms, firearms components, ammunition or ammunition
components to the public is not an unreasonable or dangerous
activity and does not constitute a nuisance per se.

B. The legislature further finds that the unlawful
use of firearms and ammunition, rather than the lawful
design, marketing, distribution, manufacture, sale or
transfer of firearms and ammunition, is the proximate cause

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1 of injuries arising from the use of firearms and ammunition.

2 Section 3. AUTHORITY TO FILE A LAWSUIT RESERVED TO THE
3 STATE--EXCEPTIONS.--

4 A. The authority to file a lawsuit and seek
5 damages, injunctive relief or abatement on behalf of the
6 state or any political subdivision of the state from a
7 firearms or ammunition manufacturer, distributor, trade
8 association or dealer for the lawful design, marketing,
9 distribution, manufacture, sale or transfer of firearms and
10 ammunition is reserved exclusively to the state.

11 B. A lawsuit shall not be filed against a firearms
12 or ammunition manufacturer, distributor, trade association or
13 dealer unless the lawsuit is authorized by a law enacted by
14 the legislature.

15 C. The provisions of this section shall not
16 prohibit a political subdivision of the state from bringing a
17 lawsuit against a firearms or ammunition manufacturer,
18 distributor, trade association or dealer for:

19 (1) breach of contract or breach of warranty
20 for firearms or ammunition purchased by a political
21 subdivision; or

22 (2) injuries resulting from the malfunction
23 of a firearm or ammunition due to a defect in design or
24 manufacture.

25 D. A firearm shall not be deemed defective in
design or manufacture due to:

(1) the potential of a firearm to cause

underscoring material = new
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1 serious injury, property damage or death as a result of its
2 normal function; or

3 (2) the potential of a firearm to cause
4 serious injury, property damage or death when discharged
5 legally or illegally.

6 Section 4. NO LIABILITY FOR FAILURE TO WARN FIREARMS
7 USERS OF CERTAIN RISKS.--A firearms manufacturer or seller
8 shall not incur liability for failing to warn firearms users
9 that:

10 A. a firearm has the potential to cause serious
11 injury, property damage or death when discharged legally or
12 illegally;

13 B. an unauthorized person could gain access to a
14 firearm;

15 C. a cartridge may be in the chamber of the
16 firearm; or

17 D. a firearm is capable of being fired even when
18 the ammunition magazine is removed.

19 Section 5. APPLICABILITY.--The provisions of the
20 Firearms Industry Lawsuit Reform Act shall apply to pending
21 lawsuits or lawsuits filed on or after the effective date of
22 that act.

23 Section 6. EMERGENCY.--It is necessary for the public
24 peace, health and safety that this act take effect
25 immediately.