FIRST ENGROSSMENT

Sixty-seventh Legislative Assembly of North Dakota

ENGROSSED HOUSE BILL NO. 1396

Introduced by

Representatives Louser, Becker, B. Koppelman, Lefor, Nathe, Porter, M. Ruby, Toman Senators Meyer, Patten, Vedaa

- 1 A BILL for an Act to create and enact a new section to chapter 28-01.3 of the North Dakota
- 2 Century Code, relating to immunity from civil actions for firearm or ammunition manufacturers.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 28-01.3 of the North Dakota Century Code is created
and enacted as follows:

5 and enacted as follows:

6 Product liability actions and immunity for a firearm or ammunition manufacturer -

- 7 Award of fees.
- 8 <u>1.</u> <u>A firearm or ammunition manufacturer, importer, or dealer is immune from civil liability</u>
 9 <u>for any physical or emotional injury, physical damage, or death caused by the</u>
- 10 <u>discharge of a firearm or ammunition.</u>
- A firearm or ammunition manufacturer, importer, or dealer may not be held civilly liable
 as a third party for the acts of another person.
- 13 <u>3.</u> <u>The court, upon the filing of a motion to dismiss, shall dismiss any action brought</u>
- 14 <u>against a firearm or ammunition manufacturer, importer, or dealer the court determines</u>
- 15 is prohibited under this section. Upon dismissal in accordance with this subsection, the
- 16 <u>court shall award costs and reasonable attorney fees to each defendant named in the</u>
 17 action.
- 18 <u>4.</u> <u>The immunity provided under this section does not apply to:</u>
- 19a.A firearm or ammunition manufacturer, importer, or dealer that caused damages20or injury by an act or omission in violation of a state or federal statute or21regulation; or
- 22 <u>b.</u> <u>A product liability action.</u>

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- 1 <u>5.</u> In any action brought under subdivision a of subsection 4, the plaintiff has the burden
- 2 of proving by clear and convincing evidence that the defendant violated the state or
- 3 <u>federal statute or regulation.</u>