

April 6, 1999

H 938. FIREARMS/AMMUN. PREEMPTION. *TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS, MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR TRADE ASSOCIATIONS.*

Adds GS 14-409.40(g) as title indicates, applicable to suits and recovery against firearms manufacturers, distributors, sellers, and dealers resulting from the lawful design, marketing, manufacture, distribution, sale, or transfer of firearms or ammunition to the public. Forbids Att'y General to bring such action without authorization of General Assembly by concurrent resolution. Permits local government to bring action against manufacturers, distributors, sellers, or dealers for breach of contract or warranty for defect of materials or workmanship as to firearms or ammunition purchased by the local government.

Amends GS 14-409.40(a) to declare that lawful design, marketing, manufacture, distribution, sale, or transfer of firearms or ammunition to the public is not an unreasonably dangerous activity or a nuisance per se, and that the unlawful use of firearms and ammunition rather than their lawful design is the proximate cause of injuries arising from their unlawful use.

Intro. by Sexton and Moore.

Ref. to Rules

GS 14

April 27, 1999

H 938. FIREARMS/AMMUN. PREEMPTION. Intro. 4/6/99. House committee substitute makes the following changes to 1st edition. Changes title to "TO PROVIDE THAT THE GENERAL ASSEMBLY DECLARE THAT THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS NOT AN UNREASONABLY DANGEROUS ACTIVITY AND DOES NOT CONSTITUTE A NUISANCE PER SE; AND TO PROVIDE THAT THE AUTHORITY TO BRING SUIT AGAINST ANY FIREARM OR AMMUNITION MARKETER, MANUFACTURER, DISTRIBUTOR, DEALER, SELLER, OR TRADE ASSOCIATION BY OR ON BEHALF OF ANY GOVERNMENTAL UNIT FOR REMEDIES RESULTING FROM OR RELATED TO THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS RESERVED EXCLUSIVELY TO THE STATE; AND TO PROVIDE THAT ANY SUCH ACTION SHALL BE BROUGHT BY THE ATTORNEY GENERAL ON BEHALF OF THE STATE." Amends GS 14-409.40, consistent with title, to provide that the listed activities do not constitute a nuisance per se.