An Act

(1ST EXTRAORDINARY SESSION)
ENROLLED HOUSE
BILL NO. 1004

By: Shannon, Stiles, Wright, Bennett, Grau, Dorman, Proctor, Cockroft and Ritze of the House

and

Bingman, Sykes, Jolley and Shortey of the Senate

An Act relating to liability for manufacture, distribution or sale of firearms; repealing 76 O.S. 2011, Sections 51, 52, 53 and 54, which relate to liability for manufacture, distribution or sale of firearms; stating legislative findings; limiting liability for certain activity; limiting liability of certain associations for specified injury; stating applicability of act; clarifying provisions; providing for codification; and declaring an emergency.

SUBJECT: Firearms liability

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. REPEALER 76 O.S. 2011, Sections 51, 52, 53 and 54, are hereby repealed.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 51.1 of Title 76, unless there is created a duplication in numbering, reads as follows:

The Legislature finds that the unlawful use of firearms, rather than their lawful manufacture, distribution, or sale, is the proximate cause of any injury arising from their unlawful use.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 52.1 of Title 76, unless there is created a duplication in numbering, reads as follows:

No firearm manufacturer, distributor, or seller who lawfully manufactures, distributes, or sells a firearm is liable to any person or entity, or to the estate, successors, or survivors of either, for any injury suffered, including wrongful death and property damage, because of use of such firearm by another.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 52.2 of Title 76, unless there is created a duplication in numbering, reads as follows:

No association of persons who hold licenses under Section 923 of Chapter 44 of Title 18, United States Code, as in effect on January 1, 1999, is liable to any person or entity, or to the estate, successors or survivors of either, for any injury suffered, including wrongful death and property damage, because of the use of a firearm sold or manufactured by any licensee who is a member of such association.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 53.1 of Title 76, unless there is created a duplication in numbering, reads as follows:

The provisions of this act do not apply to actions for deceit, breach of contract, or expressed or implied warranties, or for injuries resulting from failure of firearms to operate in a normal or usual manner due to defects or negligence in design or manufacture. The provisions of this act do not apply to actions arising from the unlawful sale or transfer of firearms, or to instances in which the transferor knew, or should have known, that the recipient would engage in the unlawful sale or transfer of the firearm, or would use, or purposely allow the use of, the firearm in an unlawful, negligent, or improper fashion. For purposes of this section, the potential of a firearm to cause serious injury, damage, or death as a result of normal function does not constitute a defective condition of the product. A firearm may not be deemed defective on the basis of its potential to cause serious injury, damage, or death when discharged.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 5th day of September, 2013.

Jon W. Murphy
Presiding Officer of the House
of Representatives

Passed the Senate the 9th day of September, 2013.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 9th
day of September, 20 13, at 6:39 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 10th
day of September, 20 13, at 4:24 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 10th
day of September, 20 13, at 4:47 o'clock P M.
By: Chris Morris