

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1510

By: Gumm

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5
6 AS INTRODUCED

7 An Act relating to torts; stating legislative
8 findings; limiting liability of certain
9 manufacturers; limiting liability of certain
10 associations; clarifying applicability of certain
11 provisions; providing for codification; and providing
12 an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 41 of Title 76, unless there is
16 created a duplication in numbering, reads as follows:

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

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 42 of Title 76, unless there is
22 created a duplication in numbering, reads as follows:

23 No firearm manufacturer, distributor, or seller who lawfully
24 manufactures, distributes, or sells a firearm is liable to any
person or entity, or to the estate, successors, or survivors of

1 either, for any injury suffered, including wrongful death and
2 property damage, because of use of such firearm by another.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 43 of Title 76, unless there is
5 created a duplication in numbering, reads as follows:

6 No association of persons who hold licenses under Section 923 of
7 Chapter 44 of Title 18, United States Code, as in effect on January
8 1, 1999, is liable to any person or entity, or to the estate,
9 successors, or survivors of either, for any injury suffered,
10 including wrongful death and property damage, because of the use of
11 a firearm sold or manufactured by any licensee who is a member of
12 such association.

13 SECTION 4. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 44 of Title 76, unless there is
15 created a duplication in numbering, reads as follows:

16 The provisions of this act do not apply to actions for deceit,
17 breach of contract, or expressed or implied warranties, or for
18 injuries resulting from failure of firearms to operate in a normal
19 or usual manner due to defects or negligence in design or
20 manufacture. The provisions of this act do not apply to actions
21 arising from the unlawful sale or transfer of firearms, or to
22 instances where the transferor knew, or should have known, that the
23 recipient would engage in the unlawful sale or transfer of the
24 firearm, or would use, or purposely allow the use of, the firearm in

1 an unlawful, negligent, or improper fashion. For purposes of this
2 section, the potential of a firearm to cause serious injury, damage,
3 or death as a result of normal function does not constitute a
4 defective condition of the product. A firearm may not be deemed
5 defective on the basis of its potential to cause serious injury,
6 damage, or death when discharged.

7 SECTION 5. This act shall become effective November 1, 2008.

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