

1 (1ST EXTRAORDINARY SESSION)
ENGROSSED HOUSE
2 BILL NO. 1004

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

4 and

5 Bingman, Sykes, Jolley and
6 Shortey of the Senate

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9 An Act relating to liability for manufacture,
distribution or sale of firearms; repealing 76 O.S.
10 2011, Sections 51, 52, 53 and 54, which relate to
liability for manufacture, distribution or sale of
11 firearms; stating legislative findings; limiting
liability for certain activity; limiting liability of
12 certain associations for specified injury; stating
applicability of act; clarifying provisions;
13 providing for codification; and declaring an
emergency.
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17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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19 and 54, are hereby repealed.

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 51.1 of Title 76, unless there
22 is created a duplication in numbering, reads as follows:
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1 The Legislature finds that the unlawful use of firearms, rather
2 than their lawful manufacture, distribution, or sale, is the
3 proximate cause of any injury arising from their unlawful use.

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

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

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

15 No association of persons who hold licenses under Section 923 of
16 Chapter 44 of Title 18, United States Code, as in effect on January
17 1, 1999, is liable to any person or entity, or to the estate,
18 successors or survivors of either, for any injury suffered,
19 including wrongful death and property damage, because of the use of
20 a firearm sold or manufactured by any licensee who is a member of
21 such association.

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

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

16 SECTION 6. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.
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1 Passed the House of Representatives the 5th day of September,
2 2013.

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4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2013.

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8 Presiding Officer of the Senate