

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                   1st Extraordinary Session of the 54th Legislature (2013)

4   HOUSE BILL 1004

By: Shannon of the House

5   and

6   Bingman and Sykes of the  
7   Senate

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10                               AS INTRODUCED

11           An Act relating to liability for manufacture,  
12           distribution or sale of firearms; repealing 76 O.S.  
13           2011, Sections 51, 52, 53 and 54, which relate to  
14           liability for manufacture, distribution or sale of  
15           firearms; stating legislative findings; limiting  
16           liability for certain activity; limiting liability of  
17           certain associations for specified injury; stating  
18           applicability of act; clarifying provisions;  
19           providing for codification; and declaring an  
20           emergency.

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

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23           and 54, are hereby repealed.

24           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:

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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21 DIRECT TO CALENDAR.  
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