

Senate File 344 - Introduced

SENATE FILE 344
BY SCHULTZ

A BILL FOR

1 An Act establishing which actions may be brought against
2 firearm and ammunition manufacturers, distributors,
3 importers, trade associations, sellers, or dealers.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 683.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Ammunition*" means any projectile capable of being
5 expelled or propelled from any firearm by the action of an
6 explosive or combustible propellant.

7 2. "*Firearm*" means any weapon that is capable of expelling,
8 designed to expel, or that may readily be converted to expel
9 ammunition.

10 Sec. 2. NEW SECTION. 683.2 Statement of policy —
11 prohibited actions.

12 1. The manufacture, distribution, or sale of firearms and
13 ammunition by manufacturers, distributors, or dealers duly
14 licensed by the appropriate federal and state authorities is
15 a lawful activity and is not unreasonably dangerous, and the
16 unlawful use of firearms and ammunition, rather than their
17 lawful manufacture, distribution, or sale, is the proximate
18 cause of injuries arising from their unlawful use.

19 2. A person shall not bring or maintain an action against
20 a firearms or ammunition manufacturer, importer, distributor,
21 trade association, seller, or dealer for any of the following:

22 a. Recovery of damages resulting from, or injunctive
23 relief or abatement of a nuisance relating to, the lawful
24 design, manufacture, marketing, or sale of a firearm, firearm
25 accessory, or ammunition for a firearm.

26 b. Recovery of damages resulting from the criminal or
27 unlawful misuse of a firearm, firearm accessory, or ammunition
28 for a firearm by a third party.

29 Sec. 3. NEW SECTION. 683.3 Fees and costs awarded for
30 prohibited actions.

31 If a court finds that a party has brought an action under a
32 theory of recovery described in section 683.2, subsection 2,
33 the finding constitutes conclusive evidence that the action is
34 groundless, and the court shall dismiss the claim or action and
35 award to the defendant any reasonable attorney fee and costs

1 incurred in defending the claim or action.

2 Sec. 4. NEW SECTION. 683.4 Allowable actions.

3 This chapter shall not be construed to prohibit a person
4 from bringing or maintaining an action against a firearms
5 or ammunition manufacturer, importer, distributor, trade
6 association, seller, or dealer for recovery of damages for any
7 of the following:

8 1. Breach of contract or warranty concerning firearms or
9 ammunition purchased by a person.

10 2. Damage or harm to a person or to property owned or leased
11 by a person caused by a defective firearm or ammunition.

12 3. Injunctive relief to enforce a valid statute, rule, or
13 ordinance. However, a person shall not bring an action seeking
14 injunctive relief if that action is barred under section 683.2,
15 subsection 2.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill establishes which actions may be brought against
20 firearm and ammunition manufacturers, distributors, importers,
21 trade associations, sellers, or dealers in regards to the
22 manufacture, distribution, or sale of firearms and ammunition.

23 The bill provides that the manufacture, distribution, or
24 sale of firearms or ammunition by manufacturers, distributors,
25 or dealers who are duly licensed by the appropriate federal and
26 state authorities is a lawful activity and is not unreasonably
27 dangerous, and that the unlawful use of firearms and ammunition
28 is the proximate cause of any injuries arising from their
29 unlawful use.

30 The bill restricts the types of actions a person may bring
31 against a firearm or ammunition manufacturer, importer,
32 distributor, trade association, seller, or dealer by
33 prohibiting actions against such a person when the theory of
34 recovery relates to the lawful design, manufacture, marketing,
35 or sale of a firearm or ammunition or injuries arising from the

1 unlawful use of a firearm or ammunition.

2 The bill provides that if a party has brought an action
3 prohibited by the bill, the court shall dismiss the action and
4 award the defendant reasonable attorney fees and costs.

5 The bill provides that a person may bring a suit against a
6 firearms or ammunition manufacturer, importer, distributor,
7 trade association, seller, or dealer for breach of contract
8 or warranty, damage or harm caused by a defective firearm or
9 ammunition, and injunctive relief to enforce a valid statute,
10 rule, or ordinance.