
HOUSE BILL 1319

State of Washington

58th Legislature

2003 Regular Session

By Representatives Delvin, Buck, Mielke, Schoesler, Benson and Campbell

Read first time 01/22/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to actions against the firearms industry; adding
2 new sections to chapter 9.41 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** Neither the state nor any political
5 subdivision of the state may sue the firearms industry for damages,
6 abatement, or injunctive relief resulting or arising from the lawful
7 design, manufacture, marketing, sale, or use of firearms, firearm-
8 related components, or ammunition.

9 NEW SECTION. **Sec. 2.** (1) This act does not prohibit the state or
10 any political subdivision of the state from bringing an action against
11 the firearms industry for breach of contract or warranty in connection
12 with firearms, firearm-related components, or ammunition when purchased
13 by the state or any political subdivision of the state.

14 (2) This act does not prohibit civil actions by individuals for
15 injuries resulting from a firearm, firearm-related component, or
16 ammunition malfunction due to defects in design or manufacture of the
17 firearm, firearm-related component, or ammunition.

1 NEW SECTION. **Sec. 3.** (1) For purposes of this act, the potential
2 of a firearm, firearm-related component, or ammunition to cause serious
3 injury, death, or damages to persons or property as a result of the
4 normal function of the firearm, firearm-related component, or
5 ammunition does not constitute a defect in design or manufacture or
6 other defective condition.

7 (2) A firearm, firearm-related component, or ammunition shall not
8 be deemed defective on the basis of the potential of the firearm,
9 firearm-related component, or ammunition to cause serious injury,
10 death, or damage to persons or property regardless of whether or not
11 the firearm is discharged lawfully or unlawfully.

12 NEW SECTION. **Sec. 4.** (1) An employee, official, or agent of the
13 state, or any political subdivision of the state, who in his or her
14 official capacity and within the scope of his or her duties files an
15 action in violation of this act is guilty of a class C felony.

16 (2) A civil suit may be brought by any person or corporation to
17 enjoin a wrongful filing under this act and if the person or
18 corporation prevails, the person or corporation shall be awarded costs,
19 including reasonable attorney fees.

20 NEW SECTION. **Sec. 5.** The authority to regulate the manufacture,
21 sale, purchase, possession, ownership, carrying, transport, transfer,
22 licensing, registration, operation, or use of gun shows, firearms,
23 firearm components, firearm ammunition, firearm dealers, dealers in
24 firearm components, or sellers of firearm ammunition is reserved
25 exclusively to the state.

26 NEW SECTION. **Sec. 6.** For purposes of this act, "firearms
27 industry" means those persons, corporations, or organizations engaged
28 in the business of manufacture, marketing, storage, distribution,
29 transport, display, advertising, sale, training, or service of
30 firearms, firearm-related components, or ammunition.

31 NEW SECTION. **Sec. 7.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act are each
2 added to chapter 9.41 RCW.

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