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HOUSE BILL 2494

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Delvin, Campbell, Blake, Schoesler, Buck, Nixon, Condotta, Orcutt, McMorris, Bush and Armstrong

Read first time 01/15/2004. Referred to Committee on Judiciary.

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

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

4 NEW SECTION. **Sec. 1.** The firearms industry may not be sued by a  
5 public or private entity or individual for damages, abatement, or  
6 injunctive relief resulting or arising from the lawful design,  
7 manufacture, marketing, sale, or use of firearms, firearm-related  
8 components, or ammunition.

9 NEW SECTION. **Sec. 2.** (1) Sections 1 through 5 of this act do not  
10 prohibit a public or private entity or individual from bringing an  
11 action against the firearms industry for breach of contract or warranty  
12 in connection with firearms, firearm-related components, or ammunition  
13 when purchased by a public or private entity or individual.

14 (2) Sections 1 through 5 of this act do not prohibit civil actions  
15 by individuals for injuries resulting from a firearm, firearm-related  
16 component, or ammunition malfunction due to defects in design or  
17 manufacture of the firearm, firearm-related component, or ammunition.

1        NEW SECTION.    **Sec. 3.**    (1) For purposes of sections 1 through 5 of  
2 this act, the potential of a firearm, firearm-related component, or  
3 ammunition to cause serious injury, death, or damages to persons or  
4 property as a result of the normal function of the firearm, firearm-  
5 related component, or ammunition does not constitute a defect in design  
6 or manufacture or 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.**    The authority to regulate the manufacture,  
13 sale, purchase, possession, ownership, carrying, transport, transfer,  
14 licensing, registration, operation, or use of gun shows, firearms,  
15 firearm components, firearm ammunition, firearm dealers, dealers in  
16 firearm components, or sellers of firearm ammunition is reserved  
17 exclusively to the state.

18        NEW SECTION.    **Sec. 5.**    For purposes of sections 1 through 5 of this  
19 act, "firearms industry" means those persons, corporations, or  
20 organizations engaged in the business of manufacture, marketing,  
21 storage, distribution, transport, display, advertising, sale, training,  
22 or service of firearms, firearm-related components, or ammunition.

23        NEW SECTION.    **Sec. 6.**    If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected.

27        NEW SECTION.    **Sec. 7.**    Sections 1 through 5 of this act are each  
28 added to chapter 9.41 RCW.

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