

HOUSE BILL NO. 1396

Introduced by

Representatives Louser, Becker, B. Koppelman, Lefor, Nathe, Porter, M. Ruby, Toman

Senators Meyer, Patten, Vedaa

1 A BILL for an Act to create and enact a new section to chapter 28-01.3 of the North Dakota
2 Century Code, relating to immunity from civil actions for firearm or ammunition manufacturers.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 28-01.3 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Product liability actions and immunity for a firearm or ammunition manufacturer -**
7 **Award of fees.**

- 8 1. ~~An~~A firearm or ammunition manufacturer, importer, or dealer is immune from civil
9 liability for any physical or emotional injury, physical damage, or death caused by the
10 discharge of a firearm or ammunition.
- 11 2. ~~An~~A firearm or ammunition manufacturer, importer, or dealer may not be held civilly
12 liable as a third party for the acts of another person.
- 13 3. The court, upon the filing of a motion to dismiss, shall dismiss any action brought
14 against ~~an~~a firearm or ammunition manufacturer, importer, or dealer the court
15 determines is prohibited under this section. Upon dismissal in accordance with this
16 subsection, the court shall award costs and reasonable attorney fees to each
17 defendant named in the action.
- 18 4. The immunity provided under this section does not apply to:
- 19 a. ~~An~~A firearm or ammunition manufacturer, importer, or dealer that caused
20 damages or injury by an act or omission in violation of a state or federal statute or
21 regulation; or
- 22 b. A product liability action.

- 1 5. In any action brought under subdivision a of subsection 4, the plaintiff has the burden
2 of proving by clear and convincing evidence that the defendant violated the state or
3 federal statute or regulation.