

House Bill 3419

Sponsored by Representative SCOTT; Representatives BOQUIST, BRUUN, DALLUM, GILLIAM, KRIEGER, MAURER, THATCHER, WHISNANT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Eliminates civil liability of seller or manufacturer of firearm or ammunition for damages resulting from unlawful use of firearm. Specifies exceptions.

A BILL FOR AN ACT

1
2 Relating to civil liability for the unlawful use of firearms.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) A civil action may not be brought by any person against a manufacturer**
5 **or seller of firearms or ammunition for damages resulting from the unlawful use of a firearm**
6 **by the person or a third party.**

7 (2) This section does not apply to:

8 (a) A civil action against a seller by reason of use of a firearm by a purchaser to whom
9 the seller sold the firearm if the seller knew, or should have known, that the purchaser was
10 likely to use the firearm in a manner that would cause unreasonable risk of physical injury
11 to another person.

12 (b) A civil action against a manufacturer or seller of a firearm or ammunition based on
13 a willful violation of a state or federal statute governing the sale or marketing of the prod-
14 uct, if the violation of the statute was a cause of the harm for which relief is sought.

15 (c) A civil action against a manufacturer or seller of a firearm or ammunition who is
16 required to be licensed under 18 U.S.C. 923 and who is not so licensed.

17 (d) A civil action for breach of contract or warranty by a purchaser of a firearm or am-
18 munition.

19 (e) A product liability action under ORS 30.900 to 30.920.

20 (3) For the purposes of this section, "firearm" means a weapon that is designed to expel
21 a projectile by the action of gunpowder or other explosive powder.

22 **SECTION 2. (1) Except as provided in subsection (2) of this section, section 1 of this 2007**
23 **Act applies to all causes of action, whether arising before, on or after the effective date of**
24 **this 2007 Act.**

25 (2) Section 1 of this 2007 Act does not apply to any cause of action for which a judgment
26 has been entered before the effective date of this 2007 Act.

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.