



## 1999 ASSEMBLY BILL 246

March 25, 1999 - Introduced by Representatives PETTIS, SUDER, GUNDRUM, GUNDERSON, HUEBSCH, SPILLNER, LADWIG, MUSSER, AINSWORTH, HUNDERTMARK, SYKORA, GROTHMAN, HANDRICK, ALBERS, PORTER, KREIBICH, KEDZIE, SERATTI, F. LASEE, LEIBHAM, HUTCHISON, GRONEMUS, HAHN, OWENS, VRAKAS, JOHNSRUD and NASS, cosponsored by Senators BRESKE, ZIEN, WELCH, BAUMGART, SCHULTZ and FITZGERALD. Referred to Committee on Judiciary and Personal Privacy.

1     **AN ACT to create** 895.45 of the statutes; **relating to:** actions against  
2             manufacturers, importers, trade associations or dealers of firearms or firearm  
3             ammunition.

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### *Analysis by the Legislative Reference Bureau*

This bill prohibits the state and cities, villages, towns and counties, and departments, divisions, boards and agencies of these units of government, from bringing an action against a person who imports, manufactures or deals in firearms or in firearm ammunition or against a firearm trade association for any damages or for injunctive relief relating to the lawful design, manufacture, marketing or sale of firearms or firearm ammunition. The bill does not prevent these units of government from suing the importers, manufacturers, dealers or trade associations for a breach of a warranty or contract for firearms or firearm ammunition purchased by the unit of government.

The bill also grants firearm importers, manufacturers, dealers and trade associations immunity from civil liability in any action brought by an individual or group for an injury or death caused by a firearm or by firearm ammunition. However, this immunity does not apply to an injury or death that was caused by a defective firearm or by defective firearm ammunition. In addition, the immunity does not apply if the injury or death was caused by a firearm or firearm ammunition that was

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manufactured or sold with a wilful or wanton disregard for the safety of the individual or group.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 895.45 of the statutes is created to read:

2           **895.45 Actions against firearm or firearm ammunition dealers or**  
3 **firearm trade associations. (1)** In this section:

4           (a) “Defective” means failing to perform in a reasonably safe and suitable  
5 manner the particular use for which the product was manufactured.

6           (b) “Firearm” means a weapon that acts by force of gunpowder.

7           (c) “Firearm dealer” means any person engaged in the business of importing,  
8 manufacturing or dealing in firearms and having a license as an importer,  
9 manufacturer or dealer issued by the U.S. department of the treasury.

10           (d) “Firearm trade association” means a national or statewide trade association  
11 that derives income from membership dues of firearm dealers.

12           (e) “Political subdivision” means a city, village, town or county.

13           **(2)** The state, a political subdivision, and every department, division, board or  
14 agency of the state or of a political subdivision, may not bring an action against a  
15 firearm dealer, firearm trade association or a manufacturer, importer or dealer of  
16 firearm ammunition for damages resulting from or injunctive relief relating to the  
17 lawful design, manufacture, marketing or sale to the public of firearms or firearm  
18 ammunition.

19           **(3)** Subsection (2) does not prohibit the state, a political subdivision, or a  
20 department, division, board or agency of the state or of a political subdivision, from  
21 bringing an action against a firearm dealer, firearm trade association or a

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1 manufacturer, importer or dealer of firearm ammunition for breach of contract or  
2 warranty as to firearms or firearm ammunition purchased by the state, a political  
3 subdivision, or by a department, division, board or agency of the state or of a political  
4 subdivision.

5 (4) The court shall dismiss any action commenced or pending that is prohibited  
6 by sub. (2).

7 (5) (a) A firearm dealer, firearm trade association or a manufacturer, importer  
8 or dealer of firearm ammunition is immune from civil liability in any action brought  
9 by an individual or group for an injury or death caused by a firearm or by firearm  
10 ammunition.

11 (b) The immunity under par. (a) does not apply to an injury or death that was  
12 caused by a defective firearm or defective firearm ammunition or by a firearm or  
13 firearm ammunition that was manufactured or sold with a wilful or wanton  
14 disregard for the safety of the individual or group.

15 **SECTION 2. Initial applicability.**

16 (1) The treatment of section 895.45 (5) of the statutes first applies to actions  
17 commenced on the effective date of this subsection.

18 (END)