

State of Wisconsin



2021 Senate Bill 570

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to create* 895.5268 of the statutes; **relating to:** limiting civil liability for firearm, firearm accessory, and ammunition manufacturers, distributors, importers, trade associations, sellers, and dealers.

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

SECTION 1. 895.5268 of the statutes is created to read:

895.5268 Firearms, firearm accessories, and ammunition; limitations on civil liability. (1) In this section:

(a) "Ammunition" means a projectile or cartridge case, primer, bullet, or propellant powder designed for use in a firearm.

(b) "Firearm" has the meaning given in s. 167.31 (1) (c).

(c) "Firearm accessory" means a device designed or adapted to enable the wearing or carrying about one's person, or the storage or mounting in or on a conveyance, of a firearm or an attachment or device designed or adapted to be inserted into or affixed onto a firearm to enable, alter, or improve the functioning or capabilities of a firearm.

(d) "Trade association" means a corporation, unincorporated association, federation, business league, or professional or business organization not organized or operated for profit that meets all of the following criteria:

1. No part of its net earnings inures to the benefit of any private shareholder or individual.

2. It is an organization described in 26 USC 501 (c) (6) and exempt from tax under section 26 USC 501 (a).

3. Two or more of its members are manufacturers or sellers of ammunition, firearms, or firearm accessories.

(2) A person may not bring or maintain an action against a firearm, firearm accessory, or ammunition manufacturer, importer, distributor, trade association, seller, or dealer for any of the following:

(a) Recovery of damages resulting from or injunctive relief or abatement of a nuisance, statutory or in common law, relating to the lawful design, manufacture, marketing, or sale of a firearm, firearm accessory, or ammunition.

(b) Recovery of damages resulting from the criminal or unlawful use of a firearm, firearm accessory, or ammunition by a 3rd party. All defenses allowed under s. 895.047 (3) are available in actions under this section.

(3) Notwithstanding s. 802.05 (3), if a court finds that a party has brought an action under a theory of recovery prohibited under this section, the finding constitutes conclusive evidence that the action is frivolous, and the court shall dismiss the claim or action and, notwithstanding s. 814.04 (1), award to the defendant any reasonable attorney fees and costs incurred in defending against the claim or action.

(4) Nothing in this section prohibits a person from bringing or maintaining an action against a firearm, firearm accessory, or ammunition manufacturer,

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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importer, distributor, trade association, seller, or dealer for any of the following:

(a) Breach of contract or warranty concerning firearms, firearms accessories, or ammunition purchased by a person.

(b) Death, physical injuries, or property damage resulting directly from a defect in design or manufacture of the product when the product is used as intended or in a reasonably foreseeable manner, except that where the

discharge of the product was caused by a volitional act that constituted a criminal offense, then such act shall be considered the sole proximate cause of any resulting death, personal injuries, or property damage.

(c) Injunctive relief to enforce a valid statute, rule, or ordinance, except that a person may not bring an action seeking injunctive relief if that action is barred under sub. (2).

