

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED 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. A firearm or ammunition manufacturer, importer, or dealer is immune from civil liability~~
9 ~~for any physical or emotional injury, physical damage, or death caused by the~~
10 ~~discharge of a firearm or ammunition.~~

11 ~~2. A firearm or ammunition manufacturer, importer, or dealer may not be held civilly liable~~
12 ~~for any physical or emotional injury, physical damage, or death as a third party for the acts of~~
13 ~~another person.~~

14 ~~3. The court, upon the filing of a motion to dismiss, shall dismiss any action brought~~
15 ~~against a firearm or ammunition manufacturer, importer, or dealer the court determines~~
16 ~~is prohibited under this section. Upon dismissal in accordance with this subsection, the~~
17 ~~court shall award costs and reasonable attorney fees to each defendant named in the~~
18 ~~action.~~

19 ~~4. The immunity provided under this section does not apply to:~~

20 ~~a. A firearm or ammunition manufacturer, importer, or dealer that caused damages~~
21 ~~or injury by an act or omission in violation of a state or federal statute or~~
22 ~~regulation; or~~

23 ~~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.~~