

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2340

Introduced by

Senators Traynor, Christmann, Cook, Stenehjem

Representatives Porter, Weiler

1 A BILL for an Act to limit the liability resulting from the manufacture, distribution, and sale of
2 firearms.

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

4 **SECTION 1. Limited liability - Firearms.**

- 5 1. In this section, a firearm is defined as in section 62.1-01-01.
- 6 2. A firearm manufacturer, distributor, or seller who lawfully manufactures, distributes,
7 or sells a firearm is not liable to any person or to the estate, a successor, or
8 survivor of any person for any injury suffered, including wrongful death and
9 property damage, because of the use of a firearm by another.
- 10 3. An association of persons who are licensed under section 923 of title 18 of the
11 United States Code, or amendments thereto, is not liable to any person or to the
12 estate, a successor, or survivor of any person for any injury suffered, including
13 wrongful death and property damage, because of the use of a firearm sold or
14 manufactured by any licensee who is a member of the association.
- 15 4. This section does not apply to a claim for relief for deceit, breach of contract,
16 express or implied warranty, or for injury resulting from failure of a firearm to
17 operate in a normal or usual manner due to defects or negligence in design or
18 manufacture. This section does not apply to a claim for relief arising from the
19 unlawful sale or transfer of a firearm or an instance when the transferor knew or
20 should have known that the recipient would engage in the unlawful sale or transfer
21 of the firearm or would use or purposely allow the use of the firearm in an unlawful,
22 negligent, or improper fashion. For the purposes of this subsection, the potential
23 of a firearm to cause serious injury, damage, or death as a result of normal
24 function does not constitute a defective condition of the product. A firearm may not

- 1 be deemed defective on the basis of its potential to cause serious injury, damage,
- 2 or death when discharged.