

Testimony in Opposition to House Bill 1396

Good Morning. My name is David Schweigert. I am the father of three boys and an avid hunter and gun owner. I once showed a picture of the contents of my gun safe to a colleague at a seminar on the East Coast he looked at me strange and I didn't see him the remainder of the conference. That being said, I am here to testify in opposition to House Bill 1396, as the bill will make a sport I dearly love much more dangerous to participate in.

House Bill 1396 starts with the presumption that all firearm and ammunition manufacturers are immune from civil liability for injuries in the State of North Dakota.

Imagine, a defective piece of ammunition whose casing blows up inside a gun and we can all only imagine what would happen to those around that mishap not being held responsible for any injuries that ensue from that mishap. It is preposterous, so I understand that section 4 of this piece of legislation attempts to curb some of the harshness of that reality.

I further understand that section two is in my opinion the real crux of this legislation, i.e. don't hold the gun responsible for the acts of the shooter. I get that. However, if that is the true intent of the bill why not just say that and stop. That is the law in this state now anyway. Manufacturers generally are not responsible when someone uses their product to injure another. If I intentionally drive my GMC Pickup into a crowd of strangers, everyone here would believe it would be crazy to hold GMC responsible. Not going to happen. But if the steering column was defective, different story.

Same in my opinion is true of a manufacturer of a firearm or ammunition.

Not enough to then try and give it back as section 4 does by taking away the immunity if the conditions listed in a & b apply, because you also have section 5. Section 5 goes on to change the burden of proof in a claim against a gun or ammo manufacturer. In a normal products liability action it would be by a preponderance of the evidence. This bill changes it to clear and convince evidence, but apparently that there was a violation of the statute. That too changes the standard because normally in North Dakota whether a statute is violated is only evidence of negligence, now you would have to prove by clear and convincing evidence, evidence of negligence.

I want to make certain that a manufacturer has taken the necessary steps to make my gun and ammo safe. I've just seen too many situations where short cuts were taken. And if you have a state that suddenly now there is a different standard than the rest of the country, do we become the testing ground for an ammo manufacturer, i.e. lets try this new grade of brass from China in ND. Were immune if we follow the laws in the manufacturing process.

Have a big problem when any industry is given special treatment over others. It

becomes personal when it goes to goods that I love to use, but now have concern about using.

You also have a second bill I believe it is 1272 that ironically then comes along and says if a firearm or ammunition is manufactured in North Dakota entirely, not subject to interstate rules. Thus, how would an exception be created for violating the statute when it doesn't apply.

In the end I put my faith in the citizens of North Dakota thru the jury system to decide. They elected you. They make good decisions and I am uncertain why there is a need to take their decision making ability away from them or change how they are to judge a firearm and ammo manufacturer versus the manufacturer of the vehicle I drove here today.

Thank you.