

SENATE FILE NO. SF0116

Protection of lawful commerce in firearms.

Sponsored by: Senator(s) Dockstader and Representative(s)
Allred

A BILL

for

1 AN ACT relating to civil procedure; providing immunity from
2 specified civil lawsuits to firearm manufacturers and
3 sellers; specifying exceptions; providing definitions;
4 specifying applicability; and providing for an effective
5 date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 1-1-142 is created to read:

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11 **1-1-142. Immunity from liability for firearm**
12 **manufacturers and sellers; definitions; exceptions.**

13

14 (a) As used in this section:

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1 (i) "Ammunition" means any projectile expelled
2 by action of an explosive from a firearm;

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4 (ii) "Firearm" means any weapon that will or is
5 designed to expel a projectile by the action of an
6 explosive;

7

8 (iii) "Firearms accessories" means as defined by
9 W.S. 6-8-403(a)(iv);

10

11 (iv) "Manufacturer" means a person who is
12 engaged in the business of manufacturing a qualified
13 product and who is licensed to engaged in business as a
14 manufacturer under 18 U.S.C. §§ 921-934;

15

16 (v) "Qualified civil liability action" means a
17 civil action or administrative proceeding brought against a
18 manufacturer or seller of a qualified product for any
19 damages or other relief resulting from the criminal or
20 unlawful misuse of a qualified product. "Qualified civil
21 liability action" shall not include any action specified in
22 subsection (d) of this section;

23

1 (vi) "Qualified product" means lawfully
2 manufactured and sold ammunition, firearms, firearms
3 accessories and antique firearms as defined by W.S.
4 6-8-403(a)(viii);

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6 (vii) "Seller" means any person licensed to sell
7 a qualified product under 18 U.S.C. §§ 921-934;

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9 (viii) "Trade association" means as defined by
10 W.S. 13-10-301(a)(vii);

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12 (ix) "Unlawful misuse" means conduct that
13 violates a statute, ordinance or regulation applying to the
14 use of a qualified product.

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16 (b) Except as provided in subsection (d) of this
17 section, no person who has legally provided a qualified
18 product to any other person is liable for damages caused by
19 the other person's actions with or use of the qualified
20 product. This subsection shall not affect the liability:

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22 (i) Of the other person who received the
23 qualified product for damages;

1

2 (ii) Of the person who provided the qualified
3 product if done so in violation of state or federal law.

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5 (c) Except as provided in subsection (d) of this
6 section, manufacturers of qualified products, sellers of
7 qualified products and trade associations shall be immune
8 from civil liability in any qualified civil liability
9 action. A qualified civil liability action brought against
10 any manufacturer of qualified products, seller of qualified
11 products or trade association that does not allege any of
12 the actions specified in subsection (c) of this section
13 shall be dismissed.

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15 (d) The immunity specified in subsections (b) and (c)
16 of this section shall not apply to any action:

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18 (i) Brought against a person who transfers a
19 qualified product and who is convicted under 18 U.S.C. §
20 924(h) or W.S. 6-8-102 by a party directly harmed by the
21 conduct of which the transferor was convicted;

22

1 (ii) In which a manufacturer or seller of a
2 qualified product knowingly violated a state or federal
3 statute applicable to the sale or marketing of the
4 qualified product, and the violation was a proximate cause
5 of the harm for which relief is sought. Conduct to which
6 this paragraph applies shall include:

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8 (A) Any incident in which the manufacturer
9 or seller knowingly made any false entry in, or failed to
10 make the appropriate entry in, any record required to be
11 kept under federal or state law with respect to the
12 qualified product, including any incident where the
13 manufacturer aided, abetted or conspired with any person in
14 making any false or fictitious oral or written statement
15 regarding any fact material to the lawfulness of the sale
16 or other disposition of a qualified product;

17
18 (B) Any case in which the manufacturer or
19 seller aided, abetted or conspired with any other person to
20 sell or otherwise dispose of a qualified product knowing,
21 or having reasonable cause to believe, that the actual
22 buyer of a qualified product was prohibited from possessing

1 or receiving a qualified product under state or federal
2 law.

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4 (iii) For breach of contract or warranty in
5 connection with the purchase of the product;

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7 (iv) For death, physical injuries or property
8 damage resulting directly from a defect in the design or
9 manufacture of the qualified product, when used as intended
10 or in a reasonably foreseeable manner, except that where
11 the discharge of the product was caused by an act that
12 constitutes a criminal offense, that act shall be deemed
13 the sole proximate cause of any resulting death, injury or
14 property damage;

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16 (v) Commenced to enforce the provisions of W.S.
17 6-8-102 or 6-8-103 or 18 U.S.C. §§ 921-934;

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19 (vi) That alleges that an injury or death
20 resulted from an act or omission of the manufacturer,
21 seller or trade association that constitutes gross
22 negligence, recklessness or intentional misconduct.

23

1 **Section 2.** This act shall apply to any cause of
2 action accruing on and after the effective date of this
3 act.

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5 **Section 3.** This act is effective July 1, 2023.

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(END)