

ENROLLED ACT NO. 71, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

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

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

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

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

(a) As used in this section:

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

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

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

(iv) "Manufacturer" means a person who is engaged in the business of manufacturing a qualified product and who is licensed to engage in business as a manufacturer under 18 U.S.C. §§ 921-934 or who is a Wyoming resident who has knowledge of gunsmithing and has had experience in the field for a period of not less than two (2) years;

(v) "Qualified civil liability action" means a civil action or administrative proceeding brought against a

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manufacturer or seller of a qualified product for any damages or other relief resulting from the criminal or unlawful misuse of a qualified product. "Qualified civil liability action" shall not include any action specified in subsection (d) of this section;

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

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

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

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

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

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

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

(c) Except as provided in subsection (d) of this section, manufacturers of qualified products, sellers of

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qualified products and trade associations shall be immune from civil liability in any qualified civil liability action. A qualified civil liability action brought against any manufacturer of qualified products, seller of qualified products or trade association that does not allege any of the actions specified in subsection (d) of this section shall be dismissed.

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

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

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

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

(B) Any case in which the manufacturer or seller aided, abetted or conspired with any other person to

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sell or otherwise dispose of a qualified product knowing, or having reasonable cause to believe, that the actual buyer of a qualified product was prohibited from possessing or receiving a qualified product under state or federal law.

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. SF0116

ENGROSSED

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**Section 3.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk