

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);

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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 (c) of this section;

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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 (c) of this  
17 section, manufacturers of qualified products, sellers of  
18 qualified products and trade associations shall be immune  
19 from civil liability in any qualified civil liability  
20 action. A qualified civil liability action brought against  
21 any manufacturer of qualified products, seller of qualified  
22 products or trade association that does not allege any of

1 the actions specified in subsection (c) of this section  
2 shall be dismissed.

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4 (c) The immunity specified in subsection (b) of this  
5 section shall not apply to any action:

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7 (i) Brought against a person who transfers a  
8 qualified product and who is convicted under 18 U.S.C. §  
9 924(h) or W.S. 6-8-102 by a party directly harmed by the  
10 conduct of which the transferor was convicted;

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12 (ii) Brought against a seller for negligent  
13 entrustment or negligence per se;

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

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22 (A) Any incident in which the manufacturer  
23 or seller knowingly made any false entry in, or failed to

1 make the appropriate entry in, any record required to be  
2 kept under federal or state law with respect to the  
3 qualified product, including any incident where the  
4 manufacturer aided, abetted or conspired with any person in  
5 making any false or fictitious oral or written statement  
6 regarding any fact material to the lawfulness of the sale  
7 or other disposition of a qualified product;

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9 (B) Any case in which the manufacturer or  
10 seller aided, abetted or conspired with any other person to  
11 sell or otherwise dispose of a qualified product knowing,  
12 or having reasonable cause to believe, that the actual  
13 buyer of a qualified product was prohibited from possessing  
14 or receiving a qualified product under state or federal  
15 law.

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17 (iv) For breach of contract or warranty in  
18 connection with the purchase of the product;

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20 (v) For death, physical injuries or property  
21 damage resulting directly from a defect in the design or  
22 manufacture of the qualified product, when used as intended  
23 or in a reasonably foreseeable manner, except that where

1 the discharge of the product was caused by an act that  
2 constitutes a criminal offense, that act shall be deemed  
3 the sole proximate cause of any resulting death, injury or  
4 property damage;

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6 (vi) Commenced to enforce the provisions of W.S.  
7 6-8-102 or 6-8-103 or 18 U.S.C. §§ 921-934;

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

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

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

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(END)