

Second Regular Session

Sixty-second General Assembly

LLS NO. 00-0024.02 Julie Pelegrin

SENATE BILL 00-010

STATE OF COLORADO

BY SENATOR Teck;
also REPRESENTATIVE Clapp.

A BILL FOR AN ACT

101 CONCERNING LIMITATIONS ON CIVIL ACTIONS CONCERNING FIREARMS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Prohibits any civil suit in tort, other than a products liability action, against a firearms or ammunition manufacturer or dealer or against any firearms trade association for damages arising from any physical injury, physical damage, or death caused by the discharge of a firearm or ammunition. Instructs the court to dismiss any such prohibited civil action and to award reasonable attorney fees to each defendant named in the action.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 5 of article 21 of title 13, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **13-21-504.5. Limitations on actions - award of fees.** (1) A
6 PERSON OR OTHER PUBLIC OR PRIVATE ENTITY MAY NOT BRING AN ACTION
7 INTORT, OTHER THAN A PRODUCT LIABILITY ACTION, AGAINST A FIREARMS
8 OR AMMUNITION MANUFACTURER OR DEALER OR AGAINST ANY FIREARMS
9 TRADE ASSOCIATION CLAIMING DAMAGES ARISING FROM PHYSICAL OR

1 EMOTIONAL INJURY, PHYSICAL DAMAGE, OR DEATH CAUSED BY THE
2 DISCHARGE OF A FIREARM OR AMMUNITION, INCLUDING BUT NOT LIMITED
3 TO ANY ACTION ALLEGING THAT THE FIREARMS OR AMMUNITION
4 MANUFACTURER OR DEALER OR THE FIREARMS TRADE ASSOCIATION IS
5 LIABLE AS A THIRD PARTY FOR THE ACTIONS OF ANOTHER PERSON.

6 (2) THE COURT, UPON THE FILING OF A MOTION TO DISMISS
7 PURSUANT TO RULE 12(b) OF THE COLORADO RULES OF CIVIL PROCEDURE,
8 SHALL DISMISS ANY ACTION BROUGHT AGAINST A FIREARMS OR
9 AMMUNITION MANUFACTURER OR DEALER OR AGAINST ANY FIREARMS
10 TRADE ASSOCIATION THAT THE COURT DETERMINES IS PROHIBITED UNDER
11 SUBSECTION (1) OF THIS SECTION. UPON DISMISSAL PURSUANT TO THIS
12 SUBSECTION (2), THE COURT SHALL AWARD REASONABLE ATTORNEY FEES,
13 IN ADDITION TO COSTS, TO EACH DEFENDANT NAMED IN THE ACTION.

14 **SECTION 2.** 13-21-501, Colorado Revised Statutes, is amended
15 to read:

16 **13-21-501. Legislative declaration.** (1) The general assembly
17 hereby declares that it shall be the policy in this state that product liability
18 for injury, damage, or death caused by the discharge of a firearm or
19 ammunition shall be based only upon an actual defect in the design or
20 manufacture of such firearm or ammunition and not upon the inherent
21 potential of a firearm or ammunition to cause injury, damage, or death
22 when discharged.

23 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT IT SHALL BE THE
24 POLICY OF THIS STATE THAT A CIVIL ACTION IN TORT CLAIMING DAMAGES
25 ARISING FROM PHYSICAL OR EMOTIONAL INJURY, PHYSICAL DAMAGE, OR
26 DEATH CAUSED BY THE DISCHARGE OF A FIREARM OR AMMUNITION SHALL

1 BE BASED ONLY UPON AN ACTUAL DEFECT IN THE DESIGN OR
2 MANUFACTURE OF SUCH FIREARM OR AMMUNITION AND NOT UPON ANY
3 OTHER THEORY OF LIABILITY, INCLUDING BUT NOT LIMITED TO ONE THAT
4 HOLDS A FIREARMS OR AMMUNITION MANUFACTURER OR DEALER OR
5 FIREARMS TRADE ASSOCIATION LIABLE FOR THE ACTIONS OF ANOTHER
6 PERSON.

7 **SECTION 3. Effective date - applicability.** This act shall take
8 effect upon passage, and shall apply to causes of action arising on or after
9 said date.

10 **SECTION 4. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.