

2024 Regular Session

HOUSE BILL NO. 894

BY REPRESENTATIVE JORDAN

LIABILITY/CIVIL: Provides with respect to liability for damages caused by a firearm

1 AN ACT

2 To amend and reenact R.S. 9: 2800.60, relative to firearm manufacturer liability; to provide
3 for a definition; to provide for a warning; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 9: 2800.60 is hereby amended and reenacted to read as follows:

6 §2800.60. Liability of manufacturers and sellers of firearms

7 A. For purposes of this Section, "firearm manufacturer" shall also include a
8 manufacturer of ammunition.

9 B. The legislature finds and declares that the Louisiana Products Liability
10 Act was not designed to impose liability on a manufacturer or seller for the improper
11 use of a properly designed and manufactured product. The legislature further finds
12 and declares that the manufacture and sale of firearms and ammunition by
13 manufacturers and dealers, duly licensed by the appropriate federal and state
14 authorities, is lawful activity and is not unreasonably dangerous.

15 ~~B. C.~~ C. No firearm manufacturer or seller shall be liable for any injury,
16 damage, or death resulting from any shooting injury by any other person unless the
17 claimant proves and shows that such injury, damage, or death was proximately
18 caused by the unreasonably dangerous construction or composition of the product
19 as provided in R.S. 9:2800.55.

1 ~~C.~~ D. Notwithstanding any other provision of law to the contrary, no
2 manufacturer or seller of a firearm who has transferred that firearm in compliance
3 with federal and state law shall incur any liability for any action of any person who
4 uses a firearm in a manner which is unlawful, negligent, or otherwise inconsistent
5 with the purposes for which it was intended.

6 ~~D.~~ E. The failure of a manufacturer or seller to insure that a firearm has a
7 device which would: make the firearm useable only by the lawful owner or
8 authorized user of the firearm; indicate to users that a cartridge is in the chamber of
9 the firearm; or prevent the firearm from firing if the ammunition magazine is
10 removed, shall not make the firearm unreasonably dangerous, unless such device is
11 required by federal or state statute or regulation.

12 ~~E.~~ F. (1) For the purposes of this Chapter, the potential of a firearm to cause
13 serious injury, damage, or death as a result of normal function does not constitute a
14 firearm malfunction due to defect in design or manufacture.

15 (2) A firearm may not be deemed defective in design or manufacture on the
16 basis of its potential to cause serious bodily injury, property damage, or death when
17 discharged legally or illegally.

18 ~~F.~~ G. Notwithstanding any provision of law to the contrary, no manufacturer
19 or seller of a firearm shall incur any liability for ~~failing to warn~~ warning users of the
20 risk that:

21 (1) A firearm has the potential to cause serious bodily injury, property
22 damage, or death when discharged legally or illegally.

23 (2) An unauthorized person could gain access to the firearm.

24 (3) A cartridge may be in the chamber of the firearm.

25 (4) The firearm is capable of being fired even with the ammunition magazine
26 removed.

27 H. The provisions of this Section shall not apply to assault weapons
28 manufactured in violation of 18 U.S.C. §922(v).

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 894 Original

2024 Regular Session

Jordan

Abstract: Provides relative to firearm manufacturer liability for warning users of the risks of firearms and ammunition.

Proposed law defines "firearm manufacturer" to include manufacturers of ammunition.

Present law provides that no manufacturer or seller of a firearm shall incur any liability for failing to warn users of the risks of firearms.

Proposed law changes present law to add that no manufacturer of ammunition shall incur any liability for failing to warn users of the risks.

(Amends R.S. 9:2800.60)