

000346976

HOUSE BILL NO. 534

Offered January 18, 2000

A BILL to amend and reenact § 15.2-915 of the Code of Virginia, relating to lawsuits against firearms manufacturers.

Patrons—Ware, Black, Cantor, Cox, Dudley, Griffith, Katzen, Kilgore, Landes, Louderback, Marshall, McDonnell, Putney, Ruff, Sherwood and Weatherholtz

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-915 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-915. Control of firearms.

A. From and after January 1, 1987, *unless expressly authorized by statute*, no locality shall adopt any ordinance to govern the purchase, possession, transfer, ownership, *storage, licensing, registration, carrying or transporting of firearms, ammunition, or components or combination thereof, or dealers in firearms, in handgun components or parts, nor shall any locality, by zoning or ordinance, regulate in any manner firearms shows using regulations more stringent than those applied to shows of other types other than those expressly authorized by statute.*

B. Nothing in this section shall affect the validity or invalidity of any ordinance adopted prior to January 1, 1987. Nothing in this section shall have any effect on any pending litigation. However, no person may be prosecuted or convicted of a violation of any ordinance regulating the transportation of a firearm if he is (i) in lawful possession of the firearm and he has a valid concealed handgun permit issued pursuant to § 18.2-308, or (ii) otherwise transporting the firearm in a lawful manner.

C. *Because (i) the lawful design, marketing, manufacture, distribution, sale or transfer of firearms or ammunition to the public is not an unreasonably dangerous activity and does not constitute a nuisance per se, and (ii) the unlawful use of firearms and ammunition, rather than their lawful design, marketing, manufacture, distribution, sale or transfer is the proximate cause of injuries arising from their unlawful use, the authority to bring suit and the right to recover against any firearms or ammunition marketer, manufacturer, distributor, dealer, seller, or trade association by or on behalf of any locality for damages, abatement, injunctive relief or any other remedy resulting from or relating to the lawful design, marketing, manufacture, distribution, sale, or transfer of firearms or ammunition to the public is limited and is hereby reserved exclusively to the Commonwealth. Any action brought by the Commonwealth pursuant to this section shall be brought by the Attorney General on behalf of the Commonwealth.*

This section shall not prohibit (i) a locality from bringing an action against a firearms or ammunition marketer, manufacturer, distributor, dealer, seller, or trade association for breach of contract or warranty for defect of materials or workmanship as to firearms or ammunition purchased by the locality, or (ii) an action for injuries resulting from a firearm malfunction due to defects in design or manufacture.

The provisions of this subsection applicable to a locality shall also apply equally to any state governmental entity, including a department, agency, or authority.

INTRODUCED

HB534