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HOUSE BILL NO. 905

House Amendments in [] — February 8, 2000

A BILL to amend the Code of Virginia by adding a section numbered 15.2-915.1, relating to limitations on lawsuits against firearms makers by localities.

Patrons—Cranwell, Abbitt, Day, Deeds, Dickinson, Hargrove, Howell, Joannou, Katzen, Kilgore, Landes, Marshall, Phillips, Putney, Spruill, Stump, Suit, Tate and Ware

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 15.2-915.1 as follows:**

§ 15.2-915.1. Limitations on authority of localities to bring lawsuits.

No locality shall have the authority to bring suit against a firearms or ammunition marketer, manufacturer, distributor, dealer, seller, or trade association 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. The right to bring any such action 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 or negligence as to firearms or ammunition purchased by the locality or (ii) an action [~~in negligence or breach of warranty~~] for injuries resulting from [~~a firearm malfunction due to defects in design or manufacture~~ negligence or breach of warranty or contract] .

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

ENGROSSED

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