

House File 621 - Introduced

HOUSE FILE 621

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 116)

A BILL FOR

1 An Act establishing which actions may be brought against
2 firearm, firearm accessory, and ammunition manufacturers,
3 distributors, importers, trade associations, sellers, or
4 dealers.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION **683.1 Prohibition of certain**
2 **actions resulting from the criminal or unlawful use of a firearm,**
3 **firearm accessory, or ammunition by a third party— definitions.**

4 1. As used in this chapter, unless the context otherwise
5 requires:

6 a. “Ammunition” means any projectile capable of being
7 expelled or propelled from any firearm by the action of
8 a propellant, any cartridge or shot shell designed for the
9 purpose of expelling such a projectile from a firearm, and any
10 component parts thereof.

11 b. “Firearm” means any weapon that is capable of expelling,
12 designed to expel, or that may readily be converted to expel
13 ammunition.

14 2. A person shall not bring or maintain an action against
15 a firearm, firearm accessory, or ammunition manufacturer,
16 importer, distributor, trade association, seller, or dealer for
17 any of the following:

18 a. Recovery of damages resulting from, or injunctive
19 relief or abatement of a nuisance, statutory or in common law,
20 relating to the lawful design, manufacture, marketing, or sale
21 of a firearm, firearm accessory, or ammunition.

22 b. Recovery of damages resulting from the criminal or
23 unlawful use of a firearm, firearm accessory, or ammunition by
24 a third party. All defenses provided for in section 688.12
25 shall apply to actions under this section.

26 Sec. 2. NEW SECTION **683.2 Fees and costs awarded for**
27 **prohibited actions.**

28 If a court finds that a party has brought an action under a
29 theory of recovery described in section 683.1, subsection 2,
30 the finding constitutes conclusive evidence that the action is
31 groundless, and the court shall dismiss the claim or action and
32 award to the defendant any reasonable attorney fee and costs
33 incurred in defending the claim or action.

34 Sec. 3. NEW SECTION **683.3 Allowable actions.**

35 This chapter shall not be construed to prohibit a person from

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1 bringing or maintaining an action against a firearm, firearm
2 accessory, or ammunition manufacturer, importer, distributor,
3 trade association, seller, or dealer for recovery of damages
4 for any of the following:

5 1. Breach of contractor warranty concerning firearms,
6 firearms accessories, or ammunition purchased by a person.

7 2. Damage or harm to a person or to property owned or leased
8 by a person caused by a defective firearm, firearm accessory,
9 or ammunition.

10 3. Injunctive relief to enforce a valid statute, rule, or
11 ordinance. However, a person shall not bring an action seeking
12 injunctive relief if that action is barred under section 683.1,
13 subsection 2.

EXPLANATION

14
15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill establishes which actions may be brought against
18 firearm, firearm accessory, and ammunition manufacturers,
19 distributors, importers, trade associations, sellers, or
20 dealers in regards to the manufacture, distribution, or sale of
21 firearms, firearm accessories, and ammunition.

22 The bill restricts the types of actions a person may
23 bring against a firearm, firearm accessory, or ammunition
24 manufacturer, importer, distributor, trade association, seller,
25 or dealer by prohibiting actions against such a person when the
26 theory of recovery relates to the lawful design, manufacture,
27 marketing, or sale of a firearm, firearm accessory, or
28 ammunition or injuries arising from the unlawful use of a
29 firearm, firearm accessory, or ammunition.

30 The bill provides that if a party has brought an action
31 prohibited by the bill, the court shall dismiss the action and
32 award the defendant reasonable attorney fees and costs.

33 The bill provides that a person may bring a suit against
34 a firearm, firearm accessory, or ammunition manufacturer,
35 importer, distributor, trade association, seller, or dealer

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1 for breach of contract or warranty, damage or harm caused
2 by a defective firearm, firearm accessory, or ammunition,
3 and injunctive relief to enforce a valid statute, rule, or
4 ordinance.