

HOUSE BILL No. 4379

March 4, 1999, Introduced by Reps. Garcia, Vear, Sanborn, Patterson, Gilbert, Kowall, LaSata, Woronchak, Julian, Gosselin, DeRossett, Kukuk, Kuipers, Middaugh, DeHart, Tesanovich, Hart, Tabor, Mans, Bishop, Bradstreet, DeWeese, Koetje, Pestka, Ehardt, Van Woerkom, Bovin, Shulman, Jelinek, Bisbee, Pappageorge, Pumford, Mead, Voorhees, Hager, Toy, Green, Richner, Shackleton, Mortimer, Caul, Rick Johnson, Rocca, Faunce, Raczkowski and Frank and referred to the Committee on Family and Civil Law.

A bill to amend 1990 PA 319, entitled

"An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms,"

by amending the title and section 1 (MCL 123.1101) and by adding sections 6 and 7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

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An act to prohibit local units of government from imposing

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certain restrictions on the ownership, registration, purchase,

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sale, transfer, transportation, or possession of pistols or other

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firearms, ammunition for pistols or other firearms, or components

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of pistols or other firearms; TO PROTECT PRODUCERS, OWNERS, OR

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POSSESSORS OF PISTOLS OR OTHER FIREARMS FROM CERTAIN CIVIL

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ACTIONS; AND TO PROHIBIT CERTAIN GOVERNMENTAL ENTITIES FROM

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1 IMPOSING CERTAIN REGULATIONS ON PRODUCERS, OWNERS, OR POSSESSORS
2 OF PISTOLS OR OTHER FIREARMS.

3 Sec. 1. As used in this act:

4 (a) "Local unit of government" means a city, village, town-
5 ship, or county.

6 (B) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
7 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

8 (C) ~~(b)~~ "Pistol" means that term as defined in section 222
9 of the Michigan penal code, ~~Act No. 328 of the Public Acts of~~
10 ~~1931, being section 750.222 of the Michigan Compiled Laws 1931~~
11 PA 328, MCL 750.222.

12 (D) "PRODUCE" MEANS MANUFACTURE, CONSTRUCT, DESIGN, FORMU-
13 LATE, DEVELOP STANDARDS, PREPARE, PROCESS, ASSEMBLE, INSPECT,
14 TEST, LIST, CERTIFY, WARN, INSTRUCT, MARKET, SELL, ADVERTISE,
15 PACKAGE, OR LABEL.

16 (E) "GOVERNMENTAL ENTITY" MEANS THE STATE, A LOCAL UNIT OF
17 GOVERNMENT, A PUBLIC EDUCATIONAL DISTRICT OR INSTITUTION, OR
18 ANOTHER PUBLIC CORPORATION, ASSOCIATION, COMMISSION, OR
19 ORGANIZATION.

20 SEC. 6. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A GOVERN-
21 MENTAL ENTITY SHALL NOT FILE A CIVIL ACTION AGAINST A PERSON WHO
22 PRODUCES, OWNS, OR POSSESSES A PISTOL OR OTHER FIREARM. EXCEPT
23 AS PROVIDED IN SUBSECTION (2), A PERSON WHO PRODUCES, OWNS, OR
24 POSSESSES A PISTOL OR OTHER FIREARM IS NOT CIVILLY LIABLE TO
25 ANOTHER PERSON BASED ON THAT PRODUCTION, OWNERSHIP, OR
26 POSSESSION.

1 (2) THIS SECTION DOES NOT APPLY TO EITHER OF THE FOLLOWING:

2 (A) A CIVIL ACTION IN WHICH THE PERSON THAT FILES THE
3 COMPLAINT ACTS ON A GOOD FAITH BELIEF THAT EACH NAMED DEFENDANT
4 PRODUCED, OWNED, OR POSSESSED THE PISTOL OR FIREARM IN VIOLATION
5 OF STATE, LOCAL, OR FEDERAL LAW.

6 (B) A CIVIL ACTION BY A PERSON AGAINST THE PRODUCER OF A
7 PISTOL OR FIREARM FOR BREACH OF CONTRACT OR WARRANTY INVOLVING
8 PRODUCTION OF THE PISTOL OR FIREARM.

9 (3) IF THE COURT DISMISSES AN ACTION AGAINST A PRODUCER,
10 OWNER, OR POSSESSOR OF A PISTOL OR FIREARM BASED ON A PROHIBITION
11 OR IMMUNITY PROVIDED IN SUBSECTION (1), THE COURT SHALL AWARD
12 EACH DEFENDANT DISMISSED FROM THE ACTION COSTS ON THAT BASIS AND
13 REASONABLE ATTORNEY FEES.

14 SEC. 7. A GOVERNMENTAL ENTITY SHALL NOT REQUIRE A PERSON
15 WHO PRODUCES, OWNS, OR POSSESSES A PISTOL OR OTHER FIREARM TO
16 INSTALL A SAFETY DEVICE OR TO PUT A WARNING OR SAFETY LABEL ON A
17 PISTOL OR FIREARM, OR ON PACKAGING OR A CONTAINER IN WHICH A
18 PISTOL OR FIREARM IS SOLD OR TRANSPORTED.