

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

862C0860

HOUSE BILL NO. 1301

Introduced by: Representatives Windhorst, Cutler, Smidt, Waltman, Wetz, and Young and
Senators Staggers and Olson

1 FOR AN ACT ENTITLED, An Act to limit the liability resulting from the manufacture,
2 distribution, and retail sale of firearms.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Legislature finds that the unlawful or improper use of firearms, rather than
5 their lawful manufacture, distribution, or sale, is the proximate cause of any injury arising from
6 their unlawful and improper use.

7 Section 2. No firearm manufacturer, distributor, or seller who lawfully manufactures,
8 distributes, or sells a firearm is liable to any person or entity, or to the estate, successors, or
9 survivors of either, for any injury suffered, including wrongful death and property damage,
10 because of the use of such firearm by another.

11 Section 3. No association of persons who hold licenses under Chapter 44 of Title 18, United
12 States Code, is liable to any person or entity, or to the estate, successors, or survivors of either,
13 for any injury suffered, including wrongful death and property damage, because of the use of a
14 firearm sold or manufactured by any licensee who is a member of such association.

15 Section 4. The provisions of this Act do not apply to actions for breach of contract, or
16 expressed or implied warranties, or for injuries resulting from a firearm malfunction due to

1 defects in design or manufacture.