

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

295C0713

SENATE BILL NO. 167

Introduced by: Senators Staggers, Albers, Benson, Brown (Arnold), Drake, Madden, and Shoener and Representatives Windhorst, Klaudt, Monroe, and Slaughter

1 FOR AN ACT ENTITLED, An Act to limit the liability resulting from the sale of firearms.

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

3 Section 1. The Legislature finds that the unlawful and improper use of firearms, rather than
4 the sale of firearms, is the proximate cause of any injury arising from the unlawful or improper
5 use of a firearm.

6 Section 2. No person who holds a license under Chapter 44 of Title 18, United States Code,
7 nor any agent, servant, or employee of such a person, who sells a firearm in compliance with
8 Chapter 44 of Title 18, United States Code, is liable to any person or entity, or to the estate,
9 successors, or survivors of either, for any injury suffered, including wrongful death and property
10 damage, because of the use of such firearm by a person other than the licensee.

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.