

Amendment to HB 381-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT limiting liability for certain design features of firearms.

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 New Section; Limitation of Actions Against Firearm Manufacturers. Amend RSA 507-D by
8 inserting after section 5 the following new section:

9 507-D:6 Limitation of Actions Against Firearm Manufacturers.

10 I. In any product liability action involving a firearm, the manufacturer of the firearm shall
11 not be liable in tort under any theory of defective product design, failure to warn, negligence, strict
12 product liability, or any other claim based on the absence or presence of any of the following
13 features:

- 14 (a) A magazine disconnect mechanism;
- 15 (b) A loaded chamber indicator;
- 16 (c) Authorized user recognition technology; or
- 17 (d) An external mechanical safety, including but not limited to a hinged, pivoting, or
18 tabbed trigger safety.

19 II. Nothing in this section shall be construed to limit liability for a firearm manufacturer in
20 cases where the claimant establishes that the firearm contained an actual manufacturing defect or
21 failed to operate in a manner consistent with the manufacturer's express warranty or
22 representations.

23 III. This section shall not alter or limit any other defense available to firearm manufacturers
24 under RSA 507-D or any other applicable law.

25 IV. If any provision of this section or the application thereof to any person or circumstance is
26 held invalid, such invalidity shall not affect other provisions or applications of the chapter which can
27 be given effect without the invalid provision or application, to the fullest extent permitted by law,
28 and to this end the provisions of this chapter are declared to be severable.

29 V. In this section:

- 30 (a) "Firearm" shall have the same meaning as provided in RSA 173-B:1, XI.
- 31 (b) "Magazine disconnect mechanism" shall mean a mechanism that prevents a
32 semiautomatic firearm from firing when the detachable magazine is not fully inserted in the firearm.

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1 (c) "Loaded chamber indicator" shall mean a mechanism or feature intended to indicate
2 to the user that a cartridge is in the firing chamber of a firearm.

3 (d) "Authorized user recognition technology" shall mean a mechanism, device, or
4 technology applied to a firearm that prevents a user not authorized by the owner from firing the
5 firearm.

6 (e) "External manual safety" shall mean a manually operated mechanism that, when
7 engaged, blocks the trigger from functioning.

8 2 Applicability. RSA 507-D:6 as inserted by section 1 of this act shall apply to any action filed
9 on or after the effective date of this section. It shall not affect any claim that has been fully
10 adjudicated, settled, or dismissed prior to the effective date of this section.

11 3 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill limits liability for firearm manufacturers regarding specific design features.