

HOUSE BILL NO. 1396

Introduced by

Representatives Louser, Becker, B. Koppelman, Lefor, Nathe, Porter, M. Ruby, Toman

Senators Meyer, Patten, Vedaa

1 A BILL for an Act to create and enact a new section to chapter 28-01.3 of the North Dakota
2 Century Code, relating to immunity from civil actions for ammunition manufacturers.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 28-01.3 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Product liability actions and immunity for ammunition manufacturer - Award of fees.**

- 7 1. An ammunition manufacturer, importer, or dealer is immune from civil liability for any
8 physical or emotional injury, physical damage, or death caused by the discharge of a
9 firearm or ammunition.
- 10 2. An ammunition manufacturer, importer, or dealer may not be held civilly liable as a
11 third party for the acts of another person.
- 12 3. The court, upon the filing of a motion to dismiss, shall dismiss any action brought
13 against an ammunition manufacturer, importer, or dealer the court determines is
14 prohibited under this section. Upon dismissal in accordance with this subsection, the
15 court shall award costs and reasonable attorney fees to each defendant named in the
16 action.
- 17 4. The immunity provided under this section does not apply to:
- 18 a. An ammunition manufacturer, importer, or dealer that caused damages or injury
19 by an act or omission in violation of a state or federal statute or regulation; or
20 b. A product liability action.
- 21 5. In any action brought under subdivision a of subsection 4, the plaintiff has the burden
22 of proving by clear and convincing evidence that the defendant violated the state or
23 federal statute or regulation.