

Regular Session, 2013

HOUSE BILL NO. 475

BY REPRESENTATIVE MACK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/VENUE: Provides relative to civil actions against firearm manufacturers

1 AN ACT

2 To amend and reenact R.S. 40:1799(A), relative to actions against a firearm or ammunition
3 manufacturers; to provide for proper venue and jurisdiction; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1799(A) is hereby amended and reenacted to read as follows:

7 §1799. Preemption of state law; liability of manufacturer, trade association, or
8 dealer of firearms and ammunition

9 A.(1) The governing authority of any political subdivision or local or other
10 governmental authority of the state is precluded and preempted from bringing suit
11 to recover against any firearms or ammunition manufacturer, trade association, or
12 dealer for damages for injury, death, or loss or to seek other injunctive relief
13 resulting from or relating to the lawful design, manufacture, marketing, or sale of
14 firearms or ammunition. The authority to bring such actions as may be authorized
15 by law shall be reserved exclusively to the state.

16 (2) Notwithstanding any other law to the contrary, the Nineteenth Judicial
17 District Court for the state of Louisiana shall have exclusive jurisdiction and venue
18 of any suit or action of any nature brought by the state against a firearms or
19 ammunition manufacturer, trade association, or dealer.

20 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Mack

HB No. 475

Abstract: Provides the proper jurisdiction and venue of an action against a firearms or ammunition manufacturer, trade association, or dealer shall be in the 19th Judicial District Court.

Present law precludes and preempts the governing authority of any political subdivision or local or other governmental authority of the state from bringing suit to recover against any firearms or ammunition manufacturer, trade association, or dealer for damages for injury, death, or loss or to seek other injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of firearms or ammunition.

Present law reserves exclusive authority to bring such actions to the state.

Proposed law provides that the 19th JDC shall have exclusive jurisdiction and venue of any suit or action of any nature brought by the state against a firearm or ammunition manufacturer.

(Amends R.S. 40:1799(A))