

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2647

By: Steagall

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6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,
8 Section 1289.24a, which relates to the Oklahoma
9 Firearms Act of 1971; expanding scope of declaration
10 to include firearm accessories; defining terms;
11 prohibiting the filing of civil actions or special
12 proceedings under certain circumstances; establishing
13 procedures for courts to follow when certain motion
14 is filed; providing appeal rights; providing for the
15 award of costs and attorney fees; authorizing the
16 filing of civil actions or special proceedings;
17 requiring specificity when filing claims for relief;
18 and providing an effective date.

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24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1289.24a, is
amended to read as follows:

Section 1289.24a ~~1.~~ A. The State Legislature declares that the
lawful design, marketing, manufacturing, or sale of firearms,
firearm accessories, or ammunition to the public is not unreasonably
dangerous activity and does not constitute a nuisance.

~~2.~~ B. As used in this section:

1 1. "Ammunition" means a fully assembled cartridge and all its
2 components including bullet, projectile, shot, cartridge case, wad,
3 primer, and propellant powder designed for use in a firearm;

4 2. "Dealer" means:

5 a. any person engaged in the business of selling
6 firearms, firearm accessories, or ammunition at
7 wholesale or retail,

8 b. any person engaged in the business of gunsmithing
9 including repairing firearms or making or fitting
10 special barrels, stocks, or trigger mechanisms to
11 firearms, or

12 c. any person who is a pawnbroker licensed by the federal
13 government to sell firearms. A dealer is not a
14 manufacturer, importer, exporter, or trade
15 association;

16 3. "Exporter" means a person engaged in foreign commerce of
17 firearms, firearm accessories, or ammunition for purposes of sale or
18 distribution outside the United States;

19 4. "Firearm" means a rifle, pistol or shotgun;

20 5. "Firearm accessory" means any component part of a firearm,
21 any device designed and intended to enable the wearing or carrying
22 of a firearm on one's person, or any device designed and intended to
23 be inserted into or affixed onto a firearm to enable, or improve or
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1 enhance the functioning or capabilities of a firearm, including
2 without limitation firearm silencers or suppressors, and optics;

3 6. "Importer" means any person engaged in the business of
4 importing or bringing firearms, firearm accessories, or ammunition
5 into the United States for purposes of sale or distribution within
6 the United States;

7 7. "Manufacturer" means a person who is engaged in the business
8 of manufacturing and is licensed as a manufacturer pursuant to the
9 provisions of Chapter 44 of Title 18 of the United States Code, or
10 who manufactures firearm accessories or components of ammunition;

11 8. "Person" means any individual, corporation, business trust,
12 estate, trust, partnership, limited liability company, association,
13 governmental entity or body politic or other organization; and

14 9. "Trade association" means a corporation, unincorporated
15 association, federation, business league, or professional or
16 business organization not organized or operated for profit that
17 meets all of the following criteria:

- 18 a. no part of its net earnings inures to the benefit of
19 any private shareholder or individual,
- 20 b. it is an organization described in Section 501(c)(6)
21 of Title 26 of the United States Code and exempt from
22 tax under Section 501(a) of Title 26 of the United
23 States Code, and

1 c. two or more of its members are manufacturers,
2 distributors, dealers, importers, or exporters of
3 firearms, firearm accessories, or ammunition.

4 C. The authority to bring suit and right to recover against any
5 firearms or ammunition manufacturer, trade association, or dealer by
6 or on behalf of any governmental unit created by or pursuant to an
7 act of the Legislature or the Constitution, or any department,
8 agency, or authority thereof, for damages, abatement, or injunctive
9 relief resulting from or relating to the lawful design,
10 manufacturing, marketing, or sale of firearms, firearm accessories,
11 or ammunition to the public shall be reserved exclusively to the
12 state. This paragraph shall not prohibit a political subdivision or
13 local government authority from bringing an action against a
14 firearms or ammunition manufacturer or dealer for breach of contract
15 or warranty as to firearms or ammunition purchased by the political
16 subdivision or local government authority. ~~This bill shall not be~~
17 ~~construed to prohibit an individual from bringing a cause of action~~
18 ~~based upon an existing recognized theory of law.~~

19 D. A person may not bring, file, or maintain any civil action
20 or special proceeding against a firearm, firearm accessory, or
21 ammunition manufacturer, distributor, dealer, importer, exporter, or
22 trade association, or the owners, shareholders, directors, and
23 employees of any such entity, for any of the following:
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1 1. Recovery of damages, punitive damages, restitution, fines,
2 penalties, injunctive or declaratory relief or other remedy relating
3 to the design, manufacture, distribution, advertising, marketing, or
4 sale of a firearm, firearm accessory, or ammunition;

5 2. Recovery of damages, punitive damages, restitution, fines,
6 penalties, injunctive or declaratory relief or other remedy
7 resulting from the criminal or unlawful use of a firearm, firearm
8 accessory, or ammunition by a third party; or

9 3. Recovery of damages, punitive damages, restitution, fines,
10 penalties, injunctive or declaratory relief or other remedy based on
11 any legal theory that the marketing or advertising of a firearm,
12 firearm accessories, or ammunition was the cause of any personal
13 injury, death, or property damage or caused or contributed to the
14 creation or maintaining of a public nuisance.

15 E. 1. If a defendant files a motion asserting that a plaintiff
16 has filed a civil action or special proceeding prohibited under this
17 section, the court shall stay all proceedings including discovery
18 and decide the motion based on the pleadings. If the court
19 determines the plaintiff has filed a civil action or special
20 proceeding asserting any cause of action or claim prohibited under
21 this section, then such finding shall constitute conclusive evidence
22 that the civil action or special proceeding is prohibited by law and
23 the court shall immediately dismiss the civil action or special
24 proceeding or dismiss with prejudice all prohibited causes of action

1 and claims set forth in the complaint. An order denying such
2 motion, in whole or in part, may be appealed.

3 2. If a civil action or special proceeding, or any cause of
4 action or claim is dismissed pursuant to the provisions of this
5 subsection, the court shall award to the defendant costs and
6 reasonable attorney fees incurred in defending against the civil
7 action or special proceeding or any dismissed cause of action or
8 claim. In cases that were pending on the date of the enactment of
9 the provisions of this section, the court shall only award attorney
10 fees as of the date the defendant notifies the plaintiff in writing
11 that this section has gone into effect and requests that the
12 plaintiff voluntarily dismiss the civil action or special
13 proceeding, or all prohibited causes of action or claims.

14 F. Nothing in this section prohibits a person from filing,
15 bringing, or maintaining a civil action or special proceeding
16 against a firearm, firearm accessory, or ammunition manufacturer,
17 distributor, dealer, importer, exporter, or trade association for
18 any of the following:

19 1. Breach of contract or warranty concerning firearms, firearm
20 accessories, or ammunition purchased by a person;

21 2. Death, physical injuries, or property damage resulting
22 directly from a defect in design or manufacture of the product when
23 the product is used as designed and intended or in a reasonably
24 foreseeable manner; except that, where the discharge of the firearm

1 or ammunition was caused by a volitional act that constituted an
2 unlawful or criminal offense, regardless of whether the person
3 discharging the firearm or ammunition was criminally charged,
4 prosecuted or convicted or charged as a juvenile, then such
5 volitional act shall be considered the sole proximate cause of any
6 resulting death, personal injuries, or property damage;

7 3. Death or physical injuries resulting directly from the sale
8 of a firearm, firearm accessory, or ammunition in violation of a
9 federal or state law or regulation specifically and exclusively
10 regulating the sale of firearms, firearm accessories, or ammunition;
11 or

12 4. A civil action or special proceeding against a dealer for
13 death or physical injuries resulting directly from the negligent
14 entrustment by the dealer of a firearm or ammunition for use by
15 another person when the dealer knows, or reasonably should know, the
16 person to whom the firearm or ammunition is supplied is likely to,
17 and does in fact, use the product in a manner involving unreasonable
18 risk of physical injury to others.

19 G. In any civil action or special proceeding not barred by the
20 provisions of this section, all claims for relief contained in the
21 complaint must be plead with specificity.

22 SECTION 2. This act shall become effective November 1, 2023.

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24 59-1-6133 GRS 01/10/23