

SENATE BILL 645

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 6; Title 29; Title 39 and Title 47, relative to qualified civil liability actions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, is amended by adding the following as a new chapter:

29-42-101.

As used in this chapter:

(1) "Ammunition" means an ammunition or cartridge case, primer, bullet, or propellant powder designed for use in a firearm;

(2) "Dealer" means a person who is licensed to engage in business as a dealer in this state in accordance with 18 U.S.C. § 923;

(3) "Defective condition" means a condition:

(A) Of a product that renders it unsafe or unreliable for normal or anticipatable handling; and

(B) That is the result of the dealer, manufacturer, or seller's negligent deviation from the qualified product design or quality; and

(4) "Engaged in the business" has the same meaning as defined under 18 U.S.C. § 921(a)(21), and, as applied to a seller of ammunition, means a person who devotes time, attention, and labor to the sale of ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of ammunition;

(5) "Firearm" has the same meaning as defined under § 39-11-106;

(6) "Manufacturer" means a person who is:

(A) Engaged in the business of manufacturing a qualified product in intrastate commerce;

(B) Licensed to engage in business as a manufacturer in accordance with 18 U.S.C. § 923; and

(C)

(i) Incorporated in this state; or

(ii) Headquartered in this state;

(7) "Person" means an individual, corporation, company, association, firm, partnership, society, joint stock company, governmental entity, or other entity;

(8) "Qualified civil liability action" means a civil action or proceeding or an administrative proceeding brought by a person against a manufacturer or seller of a qualified product for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, penalties, or other relief, resulting from the criminal or unlawful misuse of a qualified product by a person or a third party; and

(9) "Qualified product" means:

(A) A firearm;

(B) Ammunition; or

(C) A component part of a firearm or ammunition; and

(10) "Seller" means a person engaged in the business of selling a qualified product at wholesale or retail in this state.

29-42-102.

A person shall not bring a qualified civil liability action in a court in this state against a dealer, manufacturer, or seller of a qualified product, except under the following circumstances:

(1) The dealer, manufacturer, or seller was involved directly in or otherwise accompanied a person in committing the crime giving rise to the action;

(2) The dealer, manufacturer, or seller provided a qualified product in defective condition;

(3)

(A) The dealer, manufacturer, or seller misrepresented the qualified product in a manner that could result in a reasonable person harming another person without intent to cause the harm;

(B) A person harms another person as a result of the misrepresentation and without the intent to cause the harm; and

(C) The misrepresentation is documented; or

(4) The action is one for death, physical injury, or property damage resulting directly from a qualified product's defective condition; provided, that if the discharge of the qualified product occurred during a voluntary act constituting a criminal offense, the voluntary act must be considered the sole proximate cause of the resulting death, physical injury, or property damage.

29-42-103.

If this chapter conflicts with the Protection of Lawful Commerce in Arms Act (15 U.S.C. § 7901 et seq.) or another federal law, then the federal law controls.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.