

AN ACT

relating to certain suits against firearms or ammunition manufacturers, trade associations, or sellers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 128 to read as follows:

CHAPTER 128. LIMITATION ON SUITS AGAINST FIREARMS OR AMMUNITION
MANUFACTURER, TRADE ASSOCIATION, OR SELLER

Sec. 128.001. LIMITATION ON RIGHT TO BRING SUIT OR RECOVER DAMAGES.

(a) In this section, "governmental unit" means:

- (1) a political subdivision of the state, including a municipality or county; and
- (2) any other agency of government whose authority is derived from the laws or constitution of this state.

(b) Except as provided by Subsection (c), a governmental unit may not bring suit against a firearms or ammunition manufacturer, trade association, or seller for recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful design, manufacture, marketing, or sale of firearms or ammunition to the public.

(c) A governmental unit on behalf of the state or any other governmental unit may bring a suit described by Subsection (b) if the suit is approved in advance by the legislature in a concurrent resolution or by enactment of a law. This subsection does not create a cause of action.

(d) Nothing in this section shall prohibit a governmental unit from bringing an action against a firearms manufacturer, trade association, or seller for recovery of damages for:

(1) breach of contract or warranty as to firearms or ammunition purchased by a governmental unit;

(2) damage or harm to property owned or leased by the governmental unit caused by a defective firearm or ammunition;

(3) personal injury or death, if such action arises from a governmental unit's claim for subrogation;

(4) injunctive relief to enforce a valid ordinance, statute, or regulation; or

(5) contribution under Chapter 33, Civil Practice and Remedies Code.

(e) Nothing in this section shall prohibit the attorney general from bringing a suit described by Subsection (b) on behalf of the state or any other governmental unit. This subsection does not create a cause of action.

SECTION 2. (a) This Act takes effect September 1, 1999.

(b) Chapter 128, Civil Practice and Remedies Code, as added by this Act, applies to an action filed before, on, or after the effective date of this Act.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 717 passed the Senate on April 6, 1999, by the following vote:
Yeas 23, Nays 7.

Secretary of the Senate

I hereby certify that S.B. No. 717 passed the House on May 18, 1999, by the following vote:
Yeas 107, Nays 39, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor