

SENATE BILL NO. 494

April 13, 1999, Introduced by Senator DUNASKISS and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1990 PA 319, entitled

"An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms,"

by amending the title and section 1 (MCL 123.1101) and by adding section 6.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to prohibit local units of government from imposing
3 certain restrictions on the ownership, registration, purchase,
4 sale, transfer, transportation, or possession of pistols or other
5 firearms, ammunition for pistols or other firearms, or components
6 of pistols or other firearms; AND TO PROTECT PRODUCERS, OWNERS,
7 AND POSSESSORS OF PISTOLS OR OTHER FIREARMS FROM CERTAIN CIVIL
8 ACTIONS.

1 Sec. 1. As used in this act:

2 (a) "Local unit of government" means a city, village, town-
3 ship, or county.

4 (b) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
5 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

6 (c) ~~-(b)-~~ "Pistol" means that term as defined in section 222
7 of the Michigan penal code, ~~Act No. 328 of the Public Acts of~~
8 ~~1931, being section 750.222 of the Michigan Compiled Laws 1931~~
9 PA 328, MCL 750.222.

10 (d) "PRODUCE" MEANS MANUFACTURE, CONSTRUCT, DESIGN, FORMU-
11 LATE, DEVELOP STANDARDS, PREPARE, PROCESS, ASSEMBLE, INSPECT,
12 TEST, LIST, CERTIFY, WARN, INSTRUCT, MARKET, SELL, ADVERTISE,
13 PACKAGE, OR LABEL.

14 (e) "GOVERNMENTAL ENTITY" MEANS THE STATE, A LOCAL UNIT OF
15 GOVERNMENT, A PUBLIC EDUCATIONAL DISTRICT OR INSTITUTION, OR
16 ANOTHER PUBLIC CORPORATION, ASSOCIATION, COMMISSION, OR
17 ORGANIZATION.

18 SEC. 6. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A GOVERN-
19 MENTAL ENTITY SHALL NOT FILE A CIVIL ACTION AGAINST A PERSON WHO
20 PRODUCES, OWNS, OR POSSESSES A PISTOL OR OTHER FIREARM. EXCEPT
21 AS PROVIDED IN SUBSECTION (2), A PERSON WHO PRODUCES, OWNS, OR
22 POSSESSES A PISTOL OR OTHER FIREARM IS NOT CIVILLY LIABLE TO
23 ANOTHER PERSON BASED ON THAT PRODUCTION, OWNERSHIP, OR
24 POSSESSION.

25 (2) THIS SECTION DOES NOT APPLY TO EITHER OF THE FOLLOWING:

26 (a) A CIVIL ACTION IN WHICH THE PERSON THAT FILES THE
27 COMPLAINT ACTS ON A GOOD FAITH BELIEF THAT EACH NAMED DEFENDANT

1 PRODUCED, OWNED, OR POSSESSED THE PISTOL OR FIREARM IN VIOLATION
2 OF STATE, LOCAL, OR FEDERAL LAW.

3 (B) A CIVIL ACTION BY A PERSON AGAINST THE PRODUCER OF A
4 PISTOL OR FIREARM FOR BREACH OF CONTRACT OR WARRANTY INVOLVING
5 PRODUCTION OF THE PISTOL OR FIREARM.

6 (3) IF THE COURT DISMISSES AN ACTION AGAINST A PRODUCER,
7 OWNER, OR POSSESSOR OF A PISTOL OR FIREARM BASED ON A PROHIBITION
8 OR IMMUNITY PROVIDED IN SUBSECTION (1), THE COURT SHALL AWARD
9 EACH DEFENDANT DISMISSED FROM THE ACTION COSTS ON THAT BASIS AND
10 REASONABLE ATTORNEY FEES.