

# HOUSE BILL NO. 4456

April 25, 2023, Introduced by Reps. Stone, Byrnes, Brabec, Brenda Carter, Rheingans, Rogers, Tsernoglou, Price, Wilson, Arbit, MacDonell, Hoskins and Morgan and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts

and parts of acts inconsistent with this act,"

by amending section 15 (MCL 28.435), as added by 2000 PA 265.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 15. (1) Except as provided in subsection (2), a ~~federally~~  
2 ~~licensed firearms dealer~~ **person** shall not sell a firearm in this  
3 state unless the sale includes 1 of the following:

4           (a) A commercially available trigger lock or other device  
5 designed to disable the firearm and prevent the discharge of the  
6 firearm.

7           (b) A commercially available gun case or storage container  
8 that can be secured to prevent unauthorized access to the firearm.

9           (2) This section does not apply to any of the following:

10           (a) The sale of a firearm to a police officer or a police  
11 agency.

12           (b) The sale of a firearm to a person who presents to the  
13 ~~federally licensed firearms dealer~~ **person selling the firearm** 1 of  
14 the following:

15           (i) A trigger lock or other device designed to disable the  
16 firearm and prevent the discharge of the firearm together with a  
17 copy of the purchase receipt for the ~~federally licensed firearms~~  
18 ~~dealer~~ **person selling the firearm** to keep. A separate trigger lock  
19 or device and a separate purchase receipt ~~shall be~~ **is** required for  
20 each firearm purchased.

21           (ii) A gun case or storage container that can be secured to  
22 prevent unauthorized access to the firearm together with a copy of  
23 the purchase receipt for the ~~federally licensed firearms dealer~~  
24 **person selling the firearm** to keep. A separate gun case or storage  
25 container and a separate purchase receipt ~~shall be~~ **is** required for  
26 each firearm purchased.

1 (c) The sale of an antique firearm. As used in this  
2 subdivision, "antique firearm" means that term as defined in  
3 section 231a of the Michigan penal code, 1931 PA 328, MCL 750.231a.

4 ~~(d) The sale or transfer of a firearm if the seller is not a~~  
5 ~~federally licensed firearms dealer.~~

6 (3) A ~~federally licensed firearms dealer~~ **person** shall not sell  
7 a firearm in this state unless the firearm is accompanied with,  
8 free of charge, a brochure or pamphlet that includes safety  
9 information on the use and storage of the firearm in a home  
10 environment.

11 (4) Upon the sale of a firearm, ~~a federally licensed firearms~~  
12 ~~dealer~~ **the person selling the firearm** shall sign a statement and  
13 require the purchaser to sign a statement stating that the sale is  
14 in compliance with subsections (1), (2), and (3).

15 (5) A ~~federally licensed firearms dealer~~ **person selling a**  
16 **firearm** shall retain a copy of the signed statements prescribed in  
17 subsection (4) and, if applicable, a copy of the receipt prescribed  
18 in subsection (2)(b), for at least 6 years.

19 (6) A federally licensed firearms dealer in this state shall  
20 post in a conspicuous manner at the entrances, exits, and all  
21 points of sale on the premises where firearms are sold a notice  
22 that says the following: "You may be criminally and civilly liable  
23 for any harm caused by a person less than 18 years of age who  
24 lawfully gains unsupervised access to your firearm if unlawfully  
25 stored.".

26 (7) A ~~federally licensed firearms dealer~~ **person that sells a**  
27 **firearm** is not liable for damages arising from the use or misuse of  
28 a firearm if the sale complies with this section, any other  
29 applicable law of this state, and applicable federal law.

1 (8) This section does not create a civil action or liability  
2 for damages arising from the use or misuse of a firearm or  
3 ammunition for a person, other than a federally licensed firearms  
4 dealer, ~~who~~**that** produces a firearm or ammunition.

5 (9) Subject to subsections (10) to (12), a political  
6 subdivision shall not bring a civil action against any person ~~who~~  
7 **that** produces a firearm or ammunition. The authority to bring a  
8 civil action under this section is reserved exclusively to the  
9 state and can be brought only by the attorney general. The court  
10 shall award costs and reasonable attorney fees to each defendant  
11 named in a civil action filed in violation of this subsection.

12 (10) Subject to subsection (11), subsection (9) does not  
13 prohibit a civil action by a political subdivision based on 1 or  
14 more of the following, which the court shall narrowly construe:

15 (a) A breach of contract, other contract issue, or an action  
16 based on a provision of the uniform commercial code, 1962 PA 174,  
17 MCL 440.1101 to ~~440.11102, 440.9994~~, in which the political  
18 subdivision is the purchaser and owner of the firearm or  
19 ammunition.

20 (b) Expressed or implied warranties arising from the purchase  
21 of a firearm or ammunition by the political subdivision or the use  
22 of a firearm or ammunition by an employee or agent of the political  
23 subdivision.

24 (c) A product liability, personal injury, or wrongful death  
25 action when an employee or agent or property of the political  
26 subdivision has been injured or damaged as a result of a defect in  
27 the design or manufacture of the firearm or ammunition purchased  
28 and owned by the political subdivision.

29 (11) Subsection (10) does not allow an action based on any of

1 the following:

2 (a) A firearm's or ammunition's inherent potential to cause  
3 injury, damage, or death.

4 (b) Failure to warn the purchaser, transferee, or user of the  
5 firearm's or ammunition's inherent potential to cause injury,  
6 damage, or death.

7 (c) Failure to sell with or incorporate into the product a  
8 device or mechanism to prevent a firearm or ammunition from being  
9 discharged by an unauthorized person unless specifically provided  
10 for by contract.

11 (12) Subsections (9) ~~through~~ **to** (11) do not create a civil  
12 action.

13 (13) Subsections (9) ~~through~~ **to** (11) are intended only to  
14 clarify the current status of the law in this state, are remedial  
15 in nature, and, therefore, apply to a civil action pending on the  
16 effective date of this act.

17 (14) Beginning September 1, 2000, a person ~~who~~ **that** violates  
18 this section is guilty of a crime as follows:

19 (a) Except as provided in subdivision (b) or (c), the person  
20 is guilty of a misdemeanor punishable by imprisonment for not more  
21 than 93 days or a fine of not more than \$500.00, or both.

22 (b) For a second conviction, the person is guilty of a  
23 misdemeanor punishable by imprisonment for not more than 1 year or  
24 a fine of not more than \$1,000.00, or both.

25 (c) For a third or subsequent conviction, the person is guilty  
26 of a felony punishable by imprisonment for not more than 2 years or  
27 a fine of not more than \$5,000.00, or both.

28 (15) As used in this section:

29 (a) "Federally licensed firearms dealer" means a person

1 licensed under ~~section 923 of title 18 of the United States Code,~~  
2 18 U.S.C. ~~USC~~ 923.

3 (b) "Firearm or ammunition" includes a component of a firearm  
4 or ammunition.

5 (c) "Person" means an individual, partnership, corporation,  
6 association, or other legal entity.

7 (d) "Political subdivision" means a county, city, village,  
8 township, charter township, school district, community college, or  
9 public university or college.

10 (e) "Produce" means to manufacture, construct, design,  
11 formulate, develop standards for, prepare, process, assemble,  
12 inspect, test, list, certify, give a warning or instructions  
13 regarding, market, sell, advertise, package, label, distribute, or  
14 transfer.