

# HB214

## Substitute 1:

# Firearms Liability Amendments

Sponsor: Representative  
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## Background

### Federal Law

- Protection of Lawful Commerce in Arms Act (PLCAA) shields gun manufacturers, distributors, and sellers from most civil lawsuits when their legally made and sold firearms are used in crimes.

### State Laws

- West Virginia and Montana have passed bills to shield manufacturers from lawsuits related to third-party misuse of their products.

### Lawyers and liability

- Lawyers have increasingly used broad consumer protection laws to sue firearms manufacturers for liability.
- Sandyhook- Remington Settlement
  - Settlement of \$71 million
  - Remington did not violate any firearm laws.
  - Remington was sued for their marketing under a broad consumer protection law that was not specific to firearms.

## What does HB214 do?

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### Protects manufacturers, distributors, and dealers from “junk” lawsuit claims

- Lawsuits are still allowed if there is injury or death as a result of omission by the manufacturer that constitutes gross negligence, recklessness, or intentional misconduct.
- However, a firearm manufacturer cannot be sued for the criminal misuse of their legally sold product by a third party.

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### Courts must narrowly construe the predicate exception under the PLCAA

- The statute basis for a claim must explicitly regulate firearms and provide clear and specific requirements that the manufacturer/seller is alleged to have failed to meet
- The alleged violation must have directly caused the harm.