

Amendment No. 1 to HB1189

Farmer
Signature of Sponsor

AMEND Senate Bill No. 822*

House Bill No. 1189

by deleting all language after the enacting clause and substituting:

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 foreseeable handling; and

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

(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) "Negligent entrustment" means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others;

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

(9) "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;

(10) "Qualified product" means:

(A) A firearm;

(B) Ammunition; or

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

(11) "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 the crime giving rise to the action;

(2) An action brought against a transferor convicted under 18 U.S.C. § 924(h), by a party directly harmed by the conduct of which the transferor is so convicted;

(3) An action brought against a seller for negligent entrustment or negligence per se;

(4) An action in which a manufacturer or licensed seller or transferor of a qualified product knowingly violated a state or federal statute applicable to the sale or marketing of the product, and the violation was the sole proximate cause of the harm for which relief is sought, including a case in which the manufacturer or licensed seller or transferor knowingly made a false entry in, or intentionally failed to make appropriate entry in, any record required to be kept under federal or state law with respect to the qualified product, or aided, abetted, or conspired with a person in making a false or fictitious oral or written statement with respect to a fact material to the lawfulness of the sale or other disposition of a qualified product;

(5) An action for breach of contract or warranty in connection with the purchase of the product; or

(6) An action for death, physical injuries, or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense,

then such act is considered the sole proximate cause of any resulting death,
personal injuries, or property damage.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.