

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

# A Bill

Act 951 of 1999  
HOUSE BILL 1717

5 By: Representatives Bevis, Minton, Agee, Ammons, Angel, Bennett, Biggs, Bledsoe, Bond, Broadway,  
6 Buchanan, Carson, Cleveland, Cook, Creekmore, Davis, Dees, Duggar, Eason, Elliott, Faris, Ferguson,  
7 Files, French, Gillespie, Gipson, Glover, Green, Haak, Harris, Hathorn, Hausam, Hendren, Hickinbotham,  
8 House, Hunt, Jacobs, G. Jeffress, J. Jeffress, C. Johnson, Jones, King, Lancaster, Lavery, J. Lewellen, P.  
9 Malone, Milligan, Milum, Morris, Napper, Oglesby, Pappas, Parks, Prater, Rackley, Rodgers, Scrimshire,  
10 Sheppard, Shoffner, Simon, M. Smith, R. Smith, T. Smith, M. Steele, Taylor, Teague, L. Thomas, T.  
11 Thomas, Vess, Weaver, White, Willis, Womack

## For An Act To Be Entitled

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15 "AN ACT TO AMEND ARKANSAS CODE §§ 14-16-504 and 14-54-  
16 1411 TO PREEMPT LOCAL UNITS OF GOVERNMENT FROM FILING  
17 LAWSUITS AGAINST FIREARM AND AMMUNITION MANUFACTURERS  
18 OR GUN DEALERS FOR DAMAGES FROM THE LAWFUL MANUFACTURE  
19 OR SALE OF FIREARMS AND AMMUNITION TO THE PUBLIC; AND  
20 FOR OTHER PURPOSES. "

## Subtitle

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23 "TO PREEMPT LOCAL UNITS OF GOVERNMENT  
24 FROM FILING LAWSUITS AGAINST FIREARM AND  
25 AMMUNITION MANUFACTURERS FOR DAMAGES  
26 FROM THE LAWFUL SALE OF FIREARMS AND  
27 AMMUNITION TO THE PUBLIC. "

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30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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32 SECTION 1. Arkansas Code § 14-16-504 is amended to read as follows:

33 "14-16-504. Regulation by local unit of government.

34 (a) As used in this section, 'local unit of government' means a city,  
35 town, or county.

36 (b) (1) A local unit of government shall not enact any ordinance or

1 regulation pertaining to, or regulate in any other manner, the ownership,  
 2 transfer, transportation, carrying, or possession of firearms, ammunition for  
 3 firearms, or components of firearms, except as otherwise provided in state or  
 4 federal law. This shall not prevent the enactment of an ordinance regulating  
 5 or forbidding the unsafe discharge of a firearm.

6 (2) A local unit of government shall have no authority to bring  
 7 suit and shall have no right to recover against any firearm or ammunition  
 8 manufacturer, trade association, or dealer for damages, abatement, or  
 9 injunctive relief resulting from or relating to the lawful design,  
 10 manufacture, marketing, or sale of firearms or ammunition to the public. The  
 11 authority to bring any suit and the right to recover against any firearm or  
 12 ammunition manufacturer, trade association, or dealer for damages, abatement,  
 13 or injunctive relief shall be reserved exclusively to the State of Arkansas.  
 14 Provided, this shall not prevent a local unit of government from bringing suit  
 15 against a firearm or ammunition manufacturer or dealer for breach of contract  
 16 or warranty as to firearms or ammunition purchased by the local unit of  
 17 government.

18 (c) Notwithstanding subsection (b) of this section, the governing body  
 19 of a local unit of government may, following the proclamation by the Governor  
 20 of a state of emergency, enact an emergency ordinance regulating the transfer,  
 21 transportation, or carrying of firearms, or components of firearms. Such  
 22 emergency ordinance shall not be effective for a period of more than twenty  
 23 (20) days and shall be enacted by a two-thirds (2/3) majority of the governing  
 24 body."

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 26 SECTION 2. Arkansas Code § 14-54-1411 is amended to read as follows:

27 "14-54-1411. Firearms and ammunition.

28 (a) As used in this section, 'local unit of government' means a city,  
 29 town, or county.

30 (b)(1) A local unit of government shall not enact any ordinance or  
 31 regulation pertaining to, or regulate in any other manner, the ownership,  
 32 transfer, transportation, carrying, or possession of firearms, ammunition for  
 33 firearms, or components of firearms, except as otherwise provided in state or  
 34 federal law. This shall not prevent the enactment of an ordinance regulating  
 35 or forbidding the unsafe discharge of a firearm.

36 (2) A local unit of government shall have no authority to bring

1 suit and shall have no right to recover against any firearm or ammunition  
 2 manufacturer, trade association, or dealer for damages, abatement, or  
 3 injunctive relief resulting from or relating to the lawful design,  
 4 manufacture, marketing, or sale of firearms or ammunition to the public. The  
 5 authority to bring any suit and the right to recover against any firearm or  
 6 ammunition manufacturer, trade association, or dealer for damages, abatement,  
 7 or injunctive relief shall be reserved exclusively to the State of Arkansas.  
 8 Provided, this shall not prevent a local unit of government from bringing suit  
 9 against a firearm or ammunition manufacturer or dealer for breach of contract  
 10 or warranty as to firearms or ammunition purchased by the local unit of  
 11 government.

12 (c) Notwithstanding subsection (b) of this section, the governing body  
 13 of a local unit of government may, following the proclamation by the Governor  
 14 of a state of emergency, enact an emergency ordinance regulating the transfer,  
 15 transportation, or carrying of firearms, or components of firearms. Such  
 16 emergency ordinance shall not be effective for a period of more than twenty  
 17 (20) days and shall be enacted by a two-thirds (2/3) majority of the governing  
 18 body. "

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 20 SECTION 3. All provisions of this act of a general and permanent nature  
 21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 22 Revision Commission shall incorporate the same in the Code.

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 24 SECTION 4. If any provision of this act or the application thereof to  
 25 any person or circumstance is held invalid, such invalidity shall not affect  
 26 other provisions or applications of the act which can be given effect without  
 27 the invalid provision or application, and to this end the provisions of this  
 28 act are declared to be severable.

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 30 SECTION 5. All laws and parts of laws in conflict with this act are  
 31 hereby repealed.

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 34 APPROVED: 3/30/1999