

SECOND REGULAR SESSION

HOUSE BILL NO. 1437

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CRAWFORD, MOORE, BEHNEN, COOPER, BURCHAM, HUNTER, PORTWOOD, DOLAN, PURGASON, GASKILL, MARBLE, LUETKEMEYER, SCHWAB, ROBIRDS, BARTELSMEYER, KELLY (144), HEGEMAN, OSTMANN, BOATRIGHT, REINHART, SURFACE, DEMPSEY, BEARDEN, HENDERSON, KING, BERKSTRESSER, KELLY (36), HOLAND, GRATZ, PHILLIPS, LEGAN, ROSS, HOHULIN, BARNITZ, CRUMP, TOWNLEY AND RECTOR (Co-sponsors).

Read 1st time January 10, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3123L.011

AN ACT

To repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to the preemption of the regulation of firearms, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 21.750, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 21.750, to read as follows:

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes, or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. Nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070,

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 RSMo, with appropriate penalty provisions, or which regulates the open carrying of firearms
15 readily capable of lethal use or the discharge of firearms within a jurisdiction. [This section shall
16 take effect on January 1, 1985.]

17 **4. The lawful design, marketing, manufacture, or sale of firearms or ammunition**
18 **to the public is not an unreasonably dangerous activity and does not constitute a nuisance**
19 **per se.**

20 **5. No county, city, town, village, or any other political subdivision shall bring suit**
21 **or have any right to recover against any firearms or ammunition manufacturer, trade**
22 **association, or dealer for damages, abatement, or injunctive relief resulting from or**
23 **relating to the lawful design, manufacture, marketing, or sale of firearms or ammunition**
24 **to the public. Such rights are reserved exclusively to the state.**

25 **6. Nothing in this section shall prevent a county, city, town, village, or any other**
26 **political subdivision from bringing an action against a firearms or ammunition**
27 **manufacturer or dealer for breach of contract or warranty as to firearms or ammunition**
28 **purchased by such political subdivision.**

29 Section B. Because immediate action is necessary to promote justice, section A of
30 this act is deemed necessary for the immediate preservation of the public health, welfare,
31 peace, and safety, and is hereby declared to be an emergency act within the meaning of the
32 constitution, and section A of this act shall be in full force and effect upon its passage and
33 approval.