

FIRST REGULAR SESSION

HOUSE BILL NO. 135

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CRAWFORD, MUNZLINGER, WARD, WHORTON,
DOUGHERTY, COOPER (120), HUNTER (Co-sponsors), MYERS, LUETKEMEYER, BEARDEN,
TOWNLEY, PURGASON, SMITH (14) AND SUTHERLAND.

Pre-filed January 3, 2003, and copies ordered printed.

TED WEDEL, Chief Clerk

0707L.011

AN ACT

To repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to firearms regulation, 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Section A. Section 21.750, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 21.750, to read as follows: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, RSMo, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction. [This section shall

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

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, nor the state**
21 **shall bring suit or have any right to recover against any firearms or ammunition**
22 **manufacturer, trade association, or dealer for damages, abatement, or injunctive relief**
23 **resulting from or relating to the lawful design, manufacture, marketing, or sale of firearms**
24 **or ammunition to the public. This subsection shall apply to any suit pending as of the**
25 **effective date of this section, as well as any suit which may be brought in the future.**
26 **Provided, however, that nothing in this section shall restrict the rights of persons to recover**
27 **for injury or death caused by the negligent or defective design or manufacture of firearms**
28 **or ammunition.**

29 **6. Nothing in this section shall prevent the state, a county, city, town, village, or any**
30 **other political subdivision from bringing an action against a firearms or ammunition**
31 **manufacturer or dealer for breach of contract or warranty as to firearms or ammunition**
32 **purchased by the state or such political subdivision.**

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