

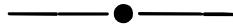
**FILED**

2003 MAR 20 P 5: 24

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# **WEST VIRGINIA LEGISLATURE**

**FIRST REGULAR SESSION, 2003**



# **ENROLLED**

## **House Bill No. 2110**

(By Delegates Vamer, Mezzatesta, Williams, Manuel, Shelton and Stemple)



Passed March 6, 2003

In Effect Ninety Days from Passage

FILED

2003 MAR 20 P 5: 25

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

**H. B. 2110**

(BY DELEGATES VARNER, MEZZATESTA, WILLIAMS,  
MANUEL, SHELTON AND STEMPLER)

[Passed March 6, 2003; in effect ninety days from passage.]

AN ACT to amend chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article eighteen, relating to the Legislature declaring that lawful design, marketing, manufacture, or sale of firearms or ammunition to the public is not an unreasonably dangerous activity; and providing that the right to institute suit against firearms manufacturers, dealers or sellers is the strict prerogative of the state.

*Be it enacted by the Legislature of West Virginia:*

That chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article eighteen, to read as follows:

**ARTICLE 18. LIMITATIONS OF ACTIONS REGARDING FIREARMS  
MANUFACTURE AND SALE.**

**§55-18-1. Legislative declarations and purpose.**

1 The Legislature hereby finds and declares:

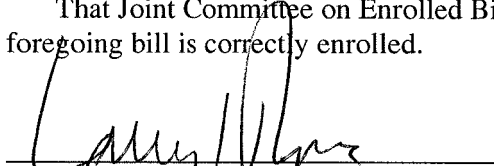
2 (a) The lawful design, marketing, manufacture or sale of  
3 firearms or ammunition to the public is not an unreasonably  
4 dangerous activity and does not constitute a nuisance per se;

5 (b) To the extent the constitution of this state and the  
6 United States protect citizens' rights to keep and bear arms, the  
7 Legislature finds and declares that it is within the strict preroga-  
8 tive of its own authority, and not the authority of any county or  
9 municipality, to determine whether any manufacturer, dealer or  
10 seller of firearms has engaged in any act or omission that would  
11 create a cognizable action for damages, injunction or otherwise.

**§55-18-2. Authority to bring suit against manufacturers, sellers,  
trade associations or dealers of firearms.**

1 The authority to bring suit and the right to recover against  
2 any firearms or ammunition manufacturer, seller, trade associa-  
3 tion or dealer of firearms by or on behalf of any county or  
4 municipality in this state for damages, abatement or injunctive  
5 relief resulting from or relating to the design, manufacture,  
6 marketing, or sale of firearms or ammunition to the public is  
7 reserved exclusively to the state: *Provided*, That nothing  
8 contained in this article may prohibit a county or municipality  
9 from bringing an action for breach of contract or warranty as to  
10 firearms or ammunition purchased by the county or municipal-  
11 ity.

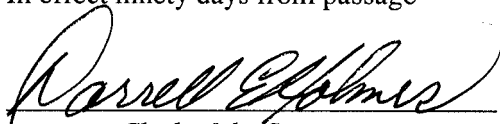
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

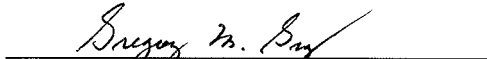
  
Chairman Senate Committee

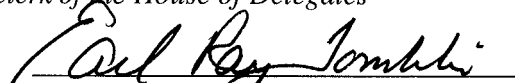
  
Chairman House Committee

Originating in the House.

In effect ninety days from passage

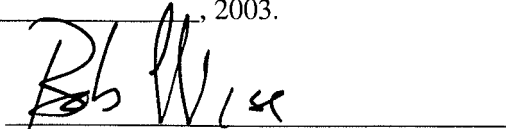
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within approved this the 20  
day of March, 2003.

  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/14/03

Time 9:30am