

HOUSE BILL NO. 5677

January 18, 2022, Introduced by Reps. Stone, O'Neal, Kuppa, Hope, Rogers, Young, Weiss, Brabec, Neeley, Howell, Hood, Scott and Aiyash and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts

and parts of acts inconsistent with this act,"

by amending section 15 (MCL 28.435), as added by 2000 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. (1) Except as provided in subsection (2), a ~~federally~~
2 ~~licensed firearms dealer~~ **person** shall not sell a firearm in this
3 state unless the sale includes 1 of the following:

4 (a) A commercially available trigger lock or other device
5 designed to disable the firearm and prevent the discharge of the
6 firearm.

7 (b) A commercially available gun case or storage container
8 that can be secured to prevent unauthorized access to the firearm.

9 (2) This section does not apply to any of the following:

10 (a) The sale of a firearm to a police officer or a police
11 agency.

12 (b) The sale of a firearm to a person who presents to the
13 ~~federally licensed firearms dealer~~ **person selling the firearm** 1 of
14 the following:

15 (i) A trigger lock or other device designed to disable the
16 firearm and prevent the discharge of the firearm together with a
17 copy of the purchase receipt for the ~~federally licensed firearms~~
18 ~~dealer~~ **person selling the firearm** to keep. A separate trigger lock
19 or device and a separate purchase receipt ~~shall be~~ **is** required for
20 each firearm purchased.

21 (ii) A gun case or storage container that can be secured to
22 prevent unauthorized access to the firearm together with a copy of
23 the purchase receipt for the ~~federally licensed firearms dealer~~
24 **person selling the firearm** to keep. A separate gun case or storage
25 container and a separate purchase receipt ~~shall be~~ **is** required for
26 each firearm purchased.

1 (c) The sale of an antique firearm. As used in this
2 subdivision, "antique firearm" means that term as defined in
3 section 231a of the Michigan penal code, 1931 PA 328, MCL 750.231a.

4 ~~(d) The sale or transfer of a firearm if the seller is not a~~
5 ~~federally licensed firearms dealer.~~

6 (3) A ~~federally licensed firearms dealer~~ **person** shall not sell
7 a firearm in this state unless the firearm is accompanied with,
8 free of charge, a brochure or pamphlet that includes safety
9 information on the use and storage of the firearm in a home
10 environment.

11 (4) Upon the sale of a firearm, ~~a federally licensed firearms~~
12 ~~dealer~~ **the person selling the firearm** shall sign a statement and
13 require the purchaser to sign a statement stating that the sale is
14 in compliance with subsections (1), (2), and (3).

15 (5) A ~~federally licensed firearms dealer~~ **person selling a**
16 **firearm** shall retain a copy of the signed statements prescribed in
17 subsection (4) and, if applicable, a copy of the receipt prescribed
18 in subsection (2)(b), for at least 6 years.

19 (6) A federally licensed firearms dealer in this state shall
20 post in a conspicuous manner at the entrances, exits, and all
21 points of sale on the premises where firearms are sold a notice
22 that says the following: "You may be criminally and civilly liable
23 for any harm caused by a person less than 18 years of age who
24 lawfully gains unsupervised access to your firearm if unlawfully
25 stored.".

26 (7) A ~~federally licensed firearms dealer~~ **person that sells a**
27 **firearm** is not liable for damages arising from the use or misuse of
28 a firearm if the sale complies with this section, any other
29 applicable law of this state, and applicable federal law.

1 (8) This section does not create a civil action or liability
2 for damages arising from the use or misuse of a firearm or
3 ammunition for a person, other than a federally licensed firearms
4 dealer, who produces a firearm or ammunition.

5 (9) Subject to subsections (10) to (12), a political
6 subdivision shall not bring a civil action against any person who
7 produces a firearm or ammunition. The authority to bring a civil
8 action under this section is reserved exclusively to the state and
9 can be brought only by the attorney general. The court shall award
10 costs and reasonable attorney fees to each defendant named in a
11 civil action filed in violation of this subsection.

12 (10) Subject to subsection (11), subsection (9) does not
13 prohibit a civil action by a political subdivision based on 1 or
14 more of the following, which the court shall narrowly construe:

15 (a) A breach of contract, other contract issue, or an action
16 based on a provision of the uniform commercial code, 1962 PA 174,
17 MCL 440.1101 to ~~440.11102~~, **440.9994**, in which the political
18 subdivision is the purchaser and owner of the firearm or
19 ammunition.

20 (b) Expressed or implied warranties arising from the purchase
21 of a firearm or ammunition by the political subdivision or the use
22 of a firearm or ammunition by an employee or agent of the political
23 subdivision.

24 (c) A product liability, personal injury, or wrongful death
25 action when an employee or agent or property of the political
26 subdivision has been injured or damaged as a result of a defect in
27 the design or manufacture of the firearm or ammunition purchased
28 and owned by the political subdivision.

29 (11) Subsection (10) does not allow an action based on any of

1 the following:

2 (a) A firearm's or ammunition's inherent potential to cause
3 injury, damage, or death.

4 (b) Failure to warn the purchaser, transferee, or user of the
5 firearm's or ammunition's inherent potential to cause injury,
6 damage, or death.

7 (c) Failure to sell with or incorporate into the product a
8 device or mechanism to prevent a firearm or ammunition from being
9 discharged by an unauthorized person unless specifically provided
10 for by contract.

11 (12) Subsections (9) through (11) do not create a civil
12 action.

13 (13) Subsections (9) through (11) are intended only to clarify
14 the current status of the law in this state, are remedial in
15 nature, and, therefore, apply to a civil action pending on the
16 effective date of this act.

17 (14) Beginning September 1, 2000, a person who violates this
18 section is guilty of a crime as follows:

19 (a) Except as provided in subdivision (b) or (c), the person
20 is guilty of a misdemeanor punishable by imprisonment for not more
21 than 93 days or a fine of not more than \$500.00, or both.

22 (b) For a second conviction, the person is guilty of a
23 misdemeanor punishable by imprisonment for not more than 1 year or
24 a fine of not more than \$1,000.00, or both.

25 (c) For a third or subsequent conviction, the person is guilty
26 of a felony punishable by imprisonment for not more than 2 years or
27 a fine of not more than \$5,000.00, or both.

28 (15) As used in this section:

29 (a) "Federally licensed firearms dealer" means a person

1 licensed under ~~section 923 of title 18 of the United States Code,~~
2 18 U.S.C. ~~USC~~ 923.

3 (b) "Firearm or ammunition" includes a component of a firearm
4 or ammunition.

5 (c) "Person" means an individual, partnership, corporation,
6 association, or other legal entity.

7 (d) "Political subdivision" means a county, city, village,
8 township, charter township, school district, community college, or
9 public university or college.

10 (e) "Produce" means to manufacture, construct, design,
11 formulate, develop standards for, prepare, process, assemble,
12 inspect, test, list, certify, give a warning or instructions
13 regarding, market, sell, advertise, package, label, distribute, or
14 transfer.