FIRST REGULAR SESSION

HOUSE BILL NO. 852

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CRAWFORD, LUETKEMEYER, CRUMP, LEGAN, COOPER, BEARDEN, DEMPSEY (Co-sponsors), KELLY (36), ROSS, BARTELSMEYER, HOHULIN, PHILLIPS, HENDERSON, REINHART, BERKSTRESSER, HARTZLER, RECTOR, LINTON, ROBIRDS, MOORE, BOATRIGHT, BARTLE, OSTMANN, BARNITZ, TOWNLEY, MILLER AND BURCHAM.

Read 1st time February 21, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1310L.01I

AN ACT

To repeal section 21.750, RSMo 2000, relating to the preemption of the regulation of firearms, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

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

Section A. Section 21.750, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 21.750, to read as follows: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

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

readily capable of lethal use or the discharge of firearms within a jurisdiction. **[**This section shall take effect on January 1, 1985.**]**

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

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

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

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