

AMENDED IN ASSEMBLY MAY 6, 2002  
AMENDED IN ASSEMBLY AUGUST 27, 2001  
AMENDED IN ASSEMBLY AUGUST 21, 2001

**SENATE BILL**

**No. 682**

**Introduced by Senator Perata**

(Principal coauthors: Assembly Members Koretz, Shelley, and  
Steinberg)

**(Coauthor: Senator Scott)**

February 23, 2001

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An act to ~~repeal and add Section 1714.4 of~~ *amend Section 1714 of,*  
*and to repeal Section 1714.4 of,* the Civil Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 682, as amended, Perata. Firearms.

*Existing law provides that everyone is responsible for the result of willful acts and for injury to another occasioned by his or her want of ordinary care or skill in the management of his or her person or property, as specified.*

*This bill would additionally specify that the design, distribution, or marketing of firearms and ammunition is not exempt from the provisions described above. The bill would also make technical changes.*

Existing law provides that ~~no~~ a firearm or ammunition ~~shall~~ may not be deemed defective in design for purposes of a products liability action, on the basis that the benefits of the product do not outweigh the risk of injury posed by the potential to cause serious injury, damage, or death when discharged, as specified.

This bill would delete those provisions ~~and would, instead, prohibit a person from having a cause of action for strict product liability against~~

~~a manufacturer or seller of any firearm or ammunition solely because the firearm or ammunition was capable of causing serious injury or death. The bill would specifically preserve other causes of action against firearm and ammunition manufacturers or sellers including, but not limited to, negligence actions and product liability actions alleging manufacturing or design defects, and would not authorize or preempt local laws and regulations, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1.—Section 1714.4 of the Civil Code is repealed.~~

2 SECTION 1. Section 1714 of the Civil Code is amended to  
3 read:

4 1714. (a) Every one is responsible, not only for the result of  
5 his *or her* willful acts, but also for an injury occasioned to another  
6 by his *or her* want of ordinary care or skill in the management of  
7 his *or her* property or person, except so far as the latter has,  
8 willfully or by want of ordinary care, brought the injury upon  
9 himself *or herself*. *The design, distribution, or marketing of*  
10 *firearms and ammunition is not exempt from the duty to use*  
11 *ordinary care and skill that is required by this section.* The extent  
12 of liability in ~~such~~ these cases is defined by the Title on  
13 Compensatory Relief.

14 (b) It is the intent of the Legislature to abrogate the holdings in  
15 cases such as *Vesely v. Sager* (5 Cal.3d 153), *Bernhard v. Harrah’s*  
16 *Club* (16 Cal.3d 313), and *Coulter v. Superior Court* (~~\_\_\_\_\_~~ (21  
17 Cal.3d ~~\_\_\_\_\_~~) 144) and to reinstate the prior judicial interpretation  
18 of this section as it relates to proximate cause for injuries incurred  
19 as a result of furnishing alcoholic beverages to an intoxicated  
20 person, namely that the furnishing of alcoholic beverages is not the  
21 proximate cause of injuries resulting from intoxication, but rather  
22 the consumption of alcoholic beverages is the proximate cause of  
23 injuries inflicted upon another by an intoxicated person.

24 (c) No social host who furnishes alcoholic beverages to any  
25 person shall be held legally accountable for damages suffered by  
26 ~~such~~ that person, or for injury to the person or property of, or death  
27 of, any third person, resulting from the consumption of ~~such~~ those  
28 beverages.



1     *SEC. 2. Section 1714.4 of the Civil Code is repealed.*  
2     ~~1714.4. (a) In a products liability action, no firearm or~~  
3 ~~ammunition shall be deemed defective in design on the basis that~~  
4 ~~the benefits of the product do not outweigh the risk of injury posed~~  
5 ~~by its potential to cause serious injury, damage, or death when~~  
6 ~~discharged.~~  
7     ~~(b) For purposes of this section:~~  
8     ~~(1) The potential of a firearm or ammunition to cause serious~~  
9 ~~injury, damage, or death when discharged does not make the~~  
10 ~~product defective in design.~~  
11     ~~(2) Injuries or damages resulting from the discharge of a~~  
12 ~~firearm or ammunition are not proximately caused by its potential~~  
13 ~~to cause serious injury, damage, or death, but are proximately~~  
14 ~~caused by the actual discharge of the product.~~  
15     ~~(c) This section shall not affect a products liability cause of~~  
16 ~~action based upon the improper selection of design alternatives.~~  
17     ~~(d) This section is declaratory of existing law.~~  
18     ~~SEC. 2. Section 1714.4 is added to the Civil Code, to read:~~  
19     ~~1714.4. A person shall not have a cause of action for strict~~  
20 ~~product liability against a manufacturer or seller of any firearm or~~  
21 ~~ammunition solely because the firearm or ammunition was~~  
22 ~~capable of causing serious injury or death. This section shall~~  
23 ~~preserve all other causes of action against firearm and ammunition~~  
24 ~~manufacturers or sellers including, but not limited to, negligence~~  
25 ~~actions, product liability actions alleging manufacturing or design~~  
26 ~~defects, public and private nuisance actions, and statutorily based~~  
27 ~~actions. This section may not be construed to authorize or preempt~~  
28 ~~local laws and regulations concerning the civil liability of firearm~~  
29 ~~manufacturers or sellers.~~

