

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 1059
SENATE BILL 710

AN ACT TO CLARIFY DEFECTIVE DESIGN AS IT RELATES TO FIREARM OR
AMMUNITION LIABILITY LAWSUITS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 99B of the General Statutes is amended by adding a new section to read:

"§ **99B-11. Products liability lawsuits involving firearms.**—(a) In a products liability action involving firearms or ammunition, whether a firearm or ammunition shell is defective in design shall not be based on a comparison or weighing of the benefits of the product against the risk of injury, damage, or death posed by its potential to cause that injury, damage, or death when discharged.

(b) In a products liability action brought against a firearm or ammunition manufacturer, importer, distributor, or retailer that alleges a design defect, the burden is on the plaintiff to prove, in addition to any other elements required to be proved:

- (1) That the actual design of the firearm or ammunition was defective, causing it not to function in a manner reasonably expected by an ordinary consumer of firearms or ammunition; and
- (2) That any defective design was the proximate cause of the injury, damage, or death."

Sec. 2. This act shall become effective October 1, 1988, and shall apply to injuries, damages, or deaths occurring on or after the effective date.

In the General Assembly read three times and ratified this the 7th day of July, 1988.