IC 34-12-3

Chapter 3. Legal Actions Involving Firearms and Ammunition Manufacturers, Trade Associations, and Sellers

IC 34-12-3-0.1

Application of chapter

Sec. 0.1. The addition of this chapter by P.L.19-2001 applies only to actions filed after April 18, 2001.

As added by P.L.220-2011, SEC.548.

IC 34-12-3-1

"Firearm" defined

Sec. 1. As used in this chapter, "firearm" has the meaning set forth in IC 35-47-1-5.

As added by P.L.19-2001, SEC.1.

IC 34-12-3-2

"Person" defined

Sec. 2. As used in this chapter, "person" has the meaning set forth in IC 35-41-1-22.

As added by P.L.19-2001, SEC.1.

IC 34-12-3-3

Prohibited actions

Sec. 3. Except as provided in section 5(1) or 5(2) of this chapter, a person may not bring an action against a firearms or ammunition manufacturer, trade association, or seller for:

(1) recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful:

(A) design;

(B) manufacture;

(C) marketing; or

(D) sale;

of a firearm or ammunition for a firearm; or

(2) recovery of damages resulting from the criminal or unlawful misuse of a firearm or ammunition for a firearm by a third party.

As added by P.L.19-2001, SEC.1. Amended by P.L.80-2004, SEC.3.

IC 34-12-3-4

Fees and costs awarded for groundless actions

Sec. 4. If a court finds that a party has brought an action under a theory of recovery described in section 3(1) or 3(2) of this chapter, the finding constitutes conclusive evidence that the action is groundless. If a court makes a finding under this section, the court shall dismiss the claims or action and award to the defendant any reasonable attorney's fee and costs incurred in defending the claims or action.

As added by P.L.19-2001, SEC.1.

IC 34-12-3-5

Allowable actions

Sec. 5. Nothing in this chapter may be construed to prohibit a person from bringing an action against a firearms or ammunition manufacturer, trade association, or seller for recovery of damages for the following:

(1) Breach of contract or warranty concerning firearms or ammunition purchased by a person.

(2) Damage or harm to a person or to property owned or leased by a person caused by a defective firearm or ammunition.

(3) Injunctive relief to enforce a valid statute, rule, or ordinance. However, a person may not bring an action seeking injunctive relief if that action is barred under section 3 of this chapter.

As added by P.L.19-2001, SEC.1. Amended by P.L.80-2004, SEC.4.