

HB 3406 -- VOLUNTARY FIREARM HOLD AGREEMENTS

SPONSOR: Violet

The bill adds definitions of "federal firearms licensee", "firearm", "firearm hold agreement", and "political subdivision".

This bill provides immunity, notwithstanding any other provision of Federal or State law, for any Federal firearms licensee conducting business in the state that has entered into a firearm hold agreement with a firearm owner from any claim or cause of action under theory of liability for any act related to the temporary storage or return of a firearm to the individual firearm owner in accordance with the firearm hold agreement. This includes, but is not limited to, claims related to personal injury or death of a person resulting from the return of a firearm to the firearm owner at the termination of the firearm hold agreement.

The bill preempts a political subdivision from imposing any regulation or additional terms on firearm hold agreements or creating any civil course of action involving the parties to a firearm hold agreement. Any local statutes, laws, or regulations that require or impose obligations beyond the requirements of this section are also preempted.

This bill deems the voluntary exercise of temporarily transferring a lawfully owned firearm in accordance with a firearm hold agreement and subsequent exercise of the right to reclaim possession lawful and does not give rise to any presumption of negligence, fault, recklessness, foreseeability, any inference that the firearm owner lacked the legal capacity or fitness to carry a firearm, or any duty, obligation, or expectation that the firearm owner delay reclaiming possession of the firearm beyond the terms of the agreement.

The bill states that a firearm owner's lawful right to possess property cannot be burdened by the existence of a firearm hold agreement and is not admissible to establish a standard of care, breach of duty, or comparative fault.

This bill requires that unless agreed to within the firearm hold agreement, a licensee will return the firearm to the owner without unreasonable delay upon termination of the agreement without any additional penalties or fees. Nothing in this bill limits a firearm owner's right to recover possession of property

or pursue relief for wrongful retention under contract or property law.