
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 35

Session of
1995

INTRODUCED BY THOMAS, DALEY AND JOSEPHS, JANUARY 19, 1995

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 19, 1995

AN ACT

1 Providing for the registration of certain guns, for restrictions
2 on the sale of guns, for duties of manufacturers, wholesalers
3 and retailers of guns, for additional duties of the
4 Pennsylvania State Police, for the maintenance of certain
5 records, for civil liability and for background checks; and
6 providing penalties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Assault
11 Weapons Tracking and Liability Law.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Gun." A pistol, revolver, automatic or semiautomatic
17 handgun and any semiautomatic or automatic military-type weapon,
18 commonly referred to as an assault weapon.

19 "Manufacturer." Any person, firm or corporation which makes

1 or assembles guns which are sold at retail within this
2 Commonwealth.

3 "Retailer." Any person, firm or corporation which sells guns
4 at retail to the general public and is located within this
5 Commonwealth.

6 "State Police." The Pennsylvania State Police.

7 "Wholesaler." Any person, firm or corporation which
8 distributes guns to retailers located within this Commonwealth.

9 Section 3. Records.

10 (a) Manufacturer.--A manufacturer shall maintain a permanent
11 record of the type, model and serial number of each gun shipped
12 to a wholesaler within this Commonwealth.

13 (b) Wholesaler.--A wholesaler shall maintain a permanent
14 record of the manufacturer, type, model and serial number of
15 each gun shipped to a retailer within this Commonwealth.

16 (c) Retailer.--A retailer shall maintain a permanent record
17 of the wholesaler, type, model and serial number of each gun he
18 receives from a wholesaler and a record of the name and address
19 of the purchaser of each gun sold together with the gun's serial
20 number.

21 (d) Penalty.--A violation of this section constitutes a
22 misdemeanor of the third degree.

23 Section 4. Powers and duties of State Police.

24 (a) Records.--The State Police may inspect and copy the
25 records required under this act which are maintained by a
26 manufacturer, wholesaler or dealer. The State Police may devise
27 and promulgate standard record and reporting forms, including a
28 standard format for records maintained by an electronic data
29 processing system. The State Police shall make these records
30 available to local law enforcement agencies.

1 (b) Stolen guns.--The State Police shall maintain records of
2 stolen guns and shall make these records available to local law
3 enforcement agencies.

4 Section 5. Restrictions on sale of guns.

5 (a) General rule.--A gun shall not be sold by a retailer to
6 any of the following:

7 (1) A person under 18 years of age.

8 (2) A person legally disqualified from owning a firearm
9 under Federal law or the laws of this Commonwealth.

10 (b) Penalties.--A violation of this section constitutes a
11 misdemeanor of the first degree.

12 Section 6. Duties of purchaser of guns.

13 (a) Records and reports.--A purchaser of a gun is required
14 to maintain a record of the serial number of the gun and the
15 retailer from whom it was purchased. If the gun is lost or
16 stolen, the purchaser shall so notify the State Police and
17 supply the serial number of the gun. This report shall be made
18 within 48 hours.

19 (b) Penalty.--A violation of this section constitutes a
20 misdemeanor of the third degree.

21 Section 7. Civil liability.

22 (a) General rule.--The manufacturer, wholesaler and retailer
23 of a gun shall be liable for damages to any person injured, when
24 the injury is the result of the unlawful use of that gun in
25 cases where the gun was intentionally, willfully, recklessly or
26 negligently sold to a person described in section 5(a).

27 (b) Punitive damages.--In addition to damages under
28 subsection (a), a retailer shall be liable for punitive damages
29 if he intentionally or with reckless disregard sold the gun to a
30 minor.

1 (c) Liability of owner, etc.--A purchaser, owner or
2 possessor of an assault weapon shall be liable for damages to
3 any person injured by that weapon as a result of its unlawful
4 use.

5 (d) Lost and stolen guns.--No cause of action may be
6 maintained under this section if the gun causing the injury was
7 lost or stolen and the purchaser notified the State Police
8 pursuant to section 6.

9 Section 8. Background check.

10 (a) Procedure.--The State Police shall devise and by rule
11 promulgate a method of checking the age and criminal history of
12 any applicant for the purchase of a gun to determine whether
13 that person is legally entitled to own a gun under this act and
14 other applicable Federal and State law. This background check
15 shall be completed within ten days of the submission of the
16 application to the State Police. No retailer shall sell a gun to
17 any person until this background check is completed.

18 (b) Penalty.--A violation of this section by any retailer
19 constitutes a misdemeanor of the first degree.

20 Section 9. Construction.

21 Nothing in this act shall be construed to affect or impair
22 the right of any person to buy or possess a rifle or shotgun for
23 hunting or other legitimate sporting purpose, provided the
24 person is not otherwise disqualified from owning a firearm under
25 Federal or State law.

26 Section 10. Rules and regulations.

27 The State Police shall promulgate the rules and regulations
28 necessary to carry out this act.

29 Section 11. Effective date.

30 This act shall take effect in 60 days.