
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1066 Session of
2019

INTRODUCED BY M. K. KELLER, METCALFE, BARRAR, BERNSTINE, CAUSER,
COX, DIAMOND, DOWLING, DUNBAR, ECKER, EMRICK, EVERETT, FEE,
FRITZ, GABLER, GLEIM, GOODMAN, GROVE, HERSHEY, HICKERNELL,
IRVIN, JAMES, JONES, JOZWIAK, KAUFFMAN, KEEFER, F. KELLER,
KLUNK, KORTZ, MACKENZIE, MALONEY, MARSHALL, MASSER, MILLARD,
B. MILLER, MOUL, NELSON, NESBIT, OBERLANDER, PEIFER, PICKETT,
PYLE, RADER, RAPP, READSHAW, ROAE, ROTHMAN, SAYLOR, SCHEMEL,
SONNEY, TOPPER, WARNER, WENTLING, WHEELAND AND ZIMMERMAN,
APRIL 5, 2019

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 5, 2019

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities
2 Generally) of the Pennsylvania Consolidated Statutes, in
3 firearms and other dangerous articles, further providing for
4 limitation on the regulation of firearms and ammunition; and,
5 in preemptions, providing for regulation of firearms and
6 ammunition.

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

9 Section 1. Section 6120 of Title 18 of the Pennsylvania
10 Consolidated Statutes, amended November 6, 2014 (P.L.2921,
11 No.192), amendment declared unconstitutional, 141 A.3d 426 (Pa
12 2016), is amended to read:

13 § 6120. Limitation on the regulation of firearms and
14 ammunition.

15 (a) General rule.--No county, municipality or township may
16 in any manner regulate the lawful ownership, possession,

1 transfer or transportation of firearms, ammunition or ammunition
2 components when carried or transported for purposes not
3 prohibited by the laws of this Commonwealth.

4 (a.1) No right of action.--

5 (1) No political subdivision may bring or maintain an
6 action at law or in equity against any firearms or ammunition
7 manufacturer, trade association or dealer for damages,
8 abatement, injunctive relief or any other relief or remedy
9 resulting from or relating to either the lawful design or
10 manufacture of firearms or ammunition or the lawful marketing
11 or sale of firearms or ammunition to the public.

12 (2) Nothing in this subsection shall be construed to
13 prohibit a political subdivision from bringing or maintaining
14 an action against a firearms or ammunition manufacturer or
15 dealer for breach of contract or warranty as to firearms or
16 ammunition purchased by the political subdivision.

17 (a.4) Relief.--The following shall apply:

18 (1) A person adversely affected by any manner of
19 ordinance, resolution, rule, practice or other action
20 promulgated or enforced by a municipality in violation of
21 subsection (a) or 53 Pa.C.S. § 306(a) (relating to regulation
22 of firearms and ammunition) or 2962(g) (relating to
23 limitation on municipal powers), may seek declarative and
24 injunctive relief and the actual damages attributable to the
25 violation in an appropriate court.

26 (2) If a person adversely affected under paragraph (1)
27 is a defendant in a proceeding asserting a defense under
28 subsection (a) or 53 Pa.C.S. § 306(a) or 2962(g) or is a
29 plaintiff who provided 60 days' prior written notice of the
30 person's intention to file a claim under this subsection to

1 the defendant, the court shall award reasonable expenses to
2 the person adversely affected if the defense or a claim under
3 paragraph (1) results in:

4 (i) a final determination by a court in favor of the
5 person adversely affected; or

6 (ii) rescission or repeal of the challenged manner
7 of regulation or enforcement after suit has been filed
8 under paragraph (1) but prior to a final determination by
9 a court.

10 (b) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection:

13 "Dealer." The term shall include any person engaged in the
14 business of selling at wholesale or retail a firearm or
15 ammunition.

16 "Firearms." This term shall have the meaning given to it in
17 section 5515 (relating to prohibiting of paramilitary training)
18 but shall not include air rifles as that term is defined in
19 section 6304 (relating to sale and use of air rifles).

20 "Person adversely affected." Any of the following:

21 (1) A person who has standing under the laws of this
22 Commonwealth to bring a claim under subsection (a.4)(1).

23 (2) A resident of this Commonwealth who may legally
24 possess a firearm under the laws of the United States and
25 this Commonwealth.

26 (3) A membership organization, the members of which
27 include a person described under paragraph (1) or (2).

28 "Political subdivision." The term shall include any home
29 rule charter municipality, county, city, borough, incorporated
30 town, township or school district.

1 "Reasonable expenses." The term includes, but is not limited
2 to, attorney fees, expert witness fees, court costs and
3 compensation for loss of income.

4 Section 2. Title 53 is amended by adding a section to read:
5 § 306. Regulation of firearms and ammunition.

6 (a) Preemption.--The General Assembly has always intended
7 and continues to intend to occupy the entire field of regulation
8 of firearms, ammunition, firearms components and ammunition
9 components in this Commonwealth, including the purchase, sale,
10 transfer, taxation, manufacture, ownership, possession,
11 transportation and reporting of loss or theft of firearms,
12 ammunition, firearms components and ammunition components in
13 this Commonwealth, to the exclusion of any existing or future
14 ordinance, resolution, regulation, rule, practice or other
15 action adopted by a municipality. The Commonwealth, by this
16 section, preempts and supersedes any manner of ordinance,
17 resolution, regulation, rule, practice or other action
18 promulgated or enforced by a municipality of firearms,
19 ammunition, firearms components or ammunition components in this
20 Commonwealth, and any such action is declared null and void.

21 (b) Continuing effect.--The provisions of section 2962(g)
22 (relating to limitation on municipal powers) and 18 Pa.C.S. §
23 6120(a) (relating to limitation on the regulation of firearms
24 and ammunition) shall continue to preempt and supersede a local
25 ordinance, resolution, regulation, rule, practice or other
26 action insofar as the local ordinance, resolution, regulation,
27 rule, practice or other action is inconsistent with the
28 provisions of section 2962(g) or 18 Pa.C.S. § 6120(a).

29 Section 3. Within 30 days of the effective date of this
30 section, the Attorney General of this Commonwealth shall notify

1 in writing all municipalities of the provisions of 53 Pa.C.S. §
2 306 and amendments to 18 Pa.C.S. § 6120.

3 Section 4. This act shall take effect as follows:

4 (1) The following shall take effect in 90 days:

5 (i) The addition of 53 Pa.C.S. § 306.

6 (ii) The amendment of 18 Pa.C.S. § 6120.

7 (2) The remainder of this act shall take effect
8 immediately.