

Firearm Industry Responsibility Act (FIRA) - Frequently Asked Questions

The Protection of Lawful Commerce in Arms Act (PLCAA) - what is it and what does it do?

- This federal law gives the gun industry extraordinary protection that prohibits states from applying civil liability law to give justice to victims of their misconduct.
- As a result, in many cases, gun manufacturers or dealers can avoid accountability even if they create an untenable risk of harm to the public through their business practices – such as looking the other way when criminals make straw purchases.

What can states do about this? What is PLCAA’s “predicate exception”?

- PLCAA allows states to set the rules for gun companies within their own state, allow liability for those who violate those laws.
- This bill creates reasonable controls that require firearm industry members to take measures to prevent harm, and allows lawsuits by those harmed when dealers, manufacturers, and other industry members knowingly fail to implement those standards.

Does this bill make gun manufacturers and dealers liable for any harm that someone else causes with a firearm they made or sold?

- NO. A dealer or manufacturer cannot be liable for the conduct of someone else, only their own conduct.
- **For example**, compare two dealers with different business practices:
 - A dealer who takes reasonable steps to secure their inventory overnight. Like locking the door with a deadbolt when the business is closed and not keeping firearms in glass display windows overnight. They would not be liable if a criminal still manages to break in and steal firearms that are then used to harm someone. They did the right thing and aren’t liable for someone else’s criminal conduct.
 - A dealer who fails to secure their inventory and leaves the back windows open overnight. If this knowingly reckless conduct then leads to firearms being stolen that are then used to harm someone, this dealer should be held accountable for their own reckless actions.
- To be liable, the firearm industry member must have engaged in knowingly wrongful conduct - defined in the bill - AND that conduct must be the proximate cause of the harm.
- This bill simply allows lawsuits to proceed through the normal court process, to overcome structural barriers that otherwise prevent gun cases from being brought; only companies that knowingly break the law will be held liable.

Will this bill put good-faith firearm industry members out of business?

- NO.

- The vast majority of firearm industry members are already doing the things this bill requires; this bill targets the small number that are responsible because of their wrongful actions or inactions, for firearms entering the illegal market, becoming crime guns, and causing harm.
- This bill has been enacted in 10 other states, the earliest in 2021. There is no evidence that the law has had a chilling effect on firearm businesses in those states.
- **Example:** [Polymer80](#), one of the leading ghost gun companies that was knowingly violating the law, and their guns were increasingly being recovered at crime scenes. After the settlement of a lawsuit, they shut down.

If you can't sue Chevy after you are hit by a drunk driver, why should you be able to sue a gun maker for what someone else does with their product?

- Agreed, it doesn't make sense to be able to sue a manufacturer because someone else misused their product.
- But if Chevy were running commercials advertising that their cars' self-driving features make it "the best car you can buy if you like to drink and drive," then they should be held liable for marketing their product for an illegal purpose when someone inevitably gets hurt.
- The same logic applies to gun companies. They are not liable for someone else's conduct under this bill. But if they knowingly sell firearms that are easily convertible into illegal machine guns or advertise to minors or other people who can't legally buy guns, and someone is hurt as a result, they should be held accountable for their own reckless conduct.

More examples under this bill:

Examples of non-firearm businesses taking reasonable steps -

- Every day, businesses in Rhode Island take reasonable steps to make sure their operations or products don't harm their customers or their community.
 - McDonald's puts out 'wet floor' signs and mats after they clean the bathrooms to make sure customers don't slip and get hurt. And remind customers to be careful as they hand them hot cups of coffee through the drive-through.
 - Pharmaceutical companies test their future products for efficacy and look for negative side effects, monitor their supply chains and manufacturing processes, and take action if they learn that one of their drugs is causing harm to patients.
 - Car companies compete to get higher and higher safety ratings compared to their competitors.
 - Bars refuse to serve customers who have had too much to drink.

Examples of when non-firearm businesses could or could not be held liable -

- Pharmaceutical companies
 - **Liable:** A company says that their drug is non-addictive in their marketing, even though they know it is, leading to a steep increase in overdoses by patients.
 - **Not liable:** After further clinical trials, a company learns that its drug may be addictive for some patients. The company then alerts regulatory agencies and puts out alerts to medical providers and patients to make sure that they know the risks.
- Car dealerships
 - **Liable:** A customer shows up and asks to take a test drive of one of their cars. Even though the customer is obviously intoxicated, the dealer gives them the keys, resulting in an accident that hurts someone.
 - **Not Liable:** A customer with a valid driver's license and no obvious signs of impairment or other risks, hurt someone in a car accident during a test drive.
- Liquor stores
 - **Liable:** A young person who is under 21 walks in and attempts to buy a bunch of liquor. The store clerk doesn't ask for ID, and that young person gets his friend drunk, who then hurts themselves.
 - **Not liable:** The store sells liquor to a parent. A teenager then steals that liquor from the liquor cabinet, leading to them getting hurt.

Examples of gun industry members who could or could not be held liable -

- Dealer (straw purchase)
 - **Liable:** Two people walk into a gun dealer. One person leans over, whispers in the ear of the other, points at a firearm for sale, and then exits the store and waits in the car in the parking lot. The dealer does not care, runs the NICS check on the person buying the firearm, and completes the sale without any questions. The sale is an obvious straw purchase, gun was then given to the person in the car waiting, who is prohibited from buying guns, and then uses it to hurt someone.
 - **Not liable:** A dealer follows all state and federal laws, confirms the purchaser is legally allowed to purchase that firearm, and the purchaser raises no other red flags. There was no way the dealer could have reasonably known that it was a straw purchase.
- Dealer (irresponsible sale)
 - **Liable:** The buyer is visibly upset about something, appears angry, acts erratically, wants to complete the sale quickly, and clearly doesn't know or care much about which gun they buy. The dealer doesn't care and goes through with the sale, no questions asked. The buyer then takes their own life with that firearm shortly after.
 - **Not liable:** The seller notices that the buyer is acting strangely and has been trained by the owner of the shop to recognize when someone may be a risk to themselves or others. The seller does not go through with the sale.

- Manufacturer (marketing)
 - **Liable:** A company says that their firearm is the best one for shooting federal law enforcement agents or that their design is the perfect size for kids to use.
 - **Not liable:** A company advertises its products as great for deer hunting or target shooting, or self-defense. One of their weapons is used in an armed robbery
- Manufacturer (design)
 - **Liable:** A company knows that its firearms are easily converted into illegal weapons like machine guns, but does nothing to fix its design.
 - **Not liable:** A company designs its guns so that they cannot be converted in illegal machine guns.