

**Senate Bill No. 682**

**CHAPTER 913**

An act to amend Section 1714 of, and to repeal Section 1714.4 of, the Civil Code, relating to firearms.

[Approved by Governor September 25, 2002. Filed with Secretary of State September 26, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 682, Perata. Firearms.

Existing law provides that everyone is responsible for the result of willful acts and for injury to another occasioned by his or her want of ordinary care or skill in the management of his or her person or property, as specified.

This bill would additionally specify that the design, distribution, or marketing of firearms and ammunition is not exempt from the provisions described above. The bill would also make technical changes.

Existing law provides that a firearm or ammunition may not be deemed defective in design for purposes of a products liability action, on the basis that the benefits of the product do not outweigh the risk of injury posed by the potential to cause serious injury, damage, or death when discharged, as specified.

This bill would delete those provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1714 of the Civil Code is amended to read:

1714. (a) Every one is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself. The design, distribution, or marketing of firearms and ammunition is not exempt from the duty to use ordinary care and skill that is required by this section. The extent of liability in these cases is defined by the Title on Compensatory Relief.

(b) It is the intent of the Legislature to abrogate the holdings in cases such as *Vesely v. Sager* (5 Cal.3d 153), *Bernhard v. Harrah's Club* (16 Cal.3d 313), and *Coulter v. Superior Court* (21 Cal.3d 144) and to reinstate the prior judicial interpretation of this section as it relates to proximate cause for injuries incurred as a result of furnishing alcoholic



beverages to an intoxicated person, namely that the furnishing of alcoholic beverages is not the proximate cause of injuries resulting from intoxication, but rather the consumption of alcoholic beverages is the proximate cause of injuries inflicted upon another by an intoxicated person.

(c) No social host who furnishes alcoholic beverages to any person shall be held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any third person, resulting from the consumption of those beverages.

SEC. 2. Section 1714.4 of the Civil Code is repealed.

