

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1538 Session of
2021

INTRODUCED BY FRANKEL, KENYATTA, SCHLOSSBERG, SANCHEZ, LEE,
N. NELSON, ISAACSON, ZABEL, A. DAVIS, DELLOSO, SIMS,
HOHENSTEIN, OTTEN, McNEILL, SHUSTERMAN, T. DAVIS, DALEY,
FITZGERALD, BULLOCK, ROZZI, KINSEY, SCHWEYER, INNAMORATO,
HERRIN AND DRISCOLL, JUNE 3, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 3, 2021

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 general provisions, further providing for limitation on
6 municipal powers.

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 is amended to read:

11 § 6120. [~~Limitation on the~~] Local regulation of firearms and
12 ammunition.

13 (a) General rule.--~~[No]~~ A county, municipality or township
14 may [~~in any manner~~] regulate the [~~lawful~~] ownership, possession,
15 transfer or transportation of firearms, ammunition or ammunition
16 components [~~when carried or transported for purposes not~~
17 ~~prohibited by the laws of this Commonwealth.~~

18 (a.1) ~~No right of action.--~~

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

8 (2) Nothing in this subsection shall be construed to
9 prohibit a political subdivision from bringing or maintaining
10 an action against a firearms or ammunition manufacturer or
11 dealer for breach of contract or warranty as to firearms or
12 ammunition purchased by the political subdivision.] by
13 ordinance or any other action that is not otherwise
14 prohibited by Federal or State law.

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

18 ["Dealer." The term shall include any person engaged in the
19 business of selling at wholesale or retail a firearm or
20 ammunition.]

21 "Firearms." [This term shall have the meaning given to it in
22 section 5515 (relating to prohibiting of paramilitary training)
23 but shall not include air rifles as that term is defined in
24 section 6304 (relating to sale and use of air rifles).]

25 "Political subdivision." The term shall include any home
26 rule charter municipality, county, city, borough, incorporated
27 town, township or school district.] A weapon that is designed to
28 or may readily be converted to expel a projectile by the action
29 of an explosive or the frame or receiver of the weapon.

30 Section 2. Section 2962(g) of Title 53 is amended to read:

1 § 2962. Limitation on municipal powers.

2 * * *

3 [(g) Regulation of firearms.--A municipality shall not enact
4 any ordinance or take any other action dealing with the
5 regulation of the transfer, ownership, transportation or
6 possession of firearms.]

7 * * *

8 Section 3. This act shall take effect in 60 days.