

1 *SENATE* BILL NO. *90* *St. Cury's Bishop*
 2 INTRODUCED BY *Bob Brown* *Menakou Don Hargrove*
Frank Beneshit *Bob Brown* *Stacy Stiles* *Heenan* *John Priest*

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY FROM LIABILITY TO CERTAIN FIREARMS
 5 SAFETY INSTRUCTORS FOR THE CONDUCT, ACTS, AND OMISSIONS OF STUDENTS TAUGHT
 6 ACCORDING TO CERTAIN STANDARDS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 7

8 WHEREAS, many qualified persons are reluctant to become firearms safety instructors because of
 9 a perception of potential exposure to liability for the conduct, acts, or omissions of students; and

10 WHEREAS, providing an exemption from liability will encourage more persons to undertake the
 11 teaching of firearms safety, thereby improving the quality and availability of firearms safety instruction in
 12 Montana.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. **Section 1. Immunity of certain firearms safety instructors.** (1) A firearms safety
 17 instructor who is not employed by a governmental entity is not liable for the conduct, acts, or omissions
 18 of a student unless the instructor exhibits gross negligence giving rise to causation of the damages.

19 (2) To qualify for immunity under this section, a firearms safety instructor shall maintain sufficient
 20 records to demonstrate that particular identified students have been instructed according to reasonable
 21 standards.

23 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
 24 integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to
 25 [section 1].

27 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

28 -END-

1 SENATE BILL NO. 90

2 INTRODUCED BY BAER, MENAHAN, HARGROVE, BENEDICT, B. BROWN, SLITER, KEENAN, JORE,
3 TVEIT, CLARK, EMERSON, BISHOP, FRANKLIN, MILLS, HARPER
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY FROM LIABILITY TO CERTAIN FIREARMS
6 SAFETY INSTRUCTORS FOR THE CONDUCT, ACTS, AND OMISSIONS OF STUDENTS TAUGHT
7 ~~ACCORDING TO CERTAIN STANDARDS;~~ AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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10 a perception of potential exposure to liability for the conduct, acts, or omissions of students; and

11 WHEREAS, providing an exemption from liability will encourage more persons to undertake the
12 teaching of firearms safety, thereby improving the quality and availability of firearms safety instruction in
13 Montana.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16

17 NEW SECTION. **Section 1. Immunity of certain firearms safety instructors.** ~~(1)~~ A firearms safety
18 instructor who is not employed by a governmental entity is not liable for the conduct, acts, or omissions
19 of a student HANDLING FIREARMS unless the instructor exhibits gross negligence giving rise to causation
20 of the damages.

21 ~~(2) To qualify for immunity under this section, a firearms safety instructor shall maintain sufficient~~
22 ~~records to demonstrate that particular identified students have been instructed according to reasonable~~
23 ~~standards.~~
24

25 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
26 integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to
27 [section 1].
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29 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.
30

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1 SENATE BILL NO. 90

2 INTRODUCED BY BAER, MENAHAN, HARGROVE, BENEDICT, B. BROWN, SLITER, KEENAN, JORE,
3 TVEIT, CLARK, EMERSON, BISHOP, FRANKLIN, MILLS, HARPER

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY FROM LIABILITY TO CERTAIN FIREARMS
6 SAFETY INSTRUCTORS FOR THE CONDUCT, ACTS, AND OMISSIONS OF STUDENTS TAUGHT
7 ACCORDING TO CERTAIN STANDARDS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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9 WHEREAS, many qualified persons are reluctant to become firearms safety instructors because of
10 a perception of potential exposure to liability for the conduct, acts, or omissions of students; and

11 WHEREAS, providing an exemption from liability will encourage more persons to undertake the
12 teaching of firearms safety, thereby improving the quality and availability of firearms safety instruction in
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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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17 NEW SECTION. Section 1. Immunity of certain firearms safety instructors. ~~(1)~~ A firearms safety
18 instructor who is not employed by a governmental entity is not liable for the conduct, acts, or omissions
19 of a student HANDLING FIREARMS unless the instructor exhibits gross negligence giving rise to causation
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25 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
26 integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to
27 [section 1].

28
29 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

30 -END-



HOUSE STANDING COMMITTEE REPORT

March 23, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 90 (third reading copy -- blue) be concurred in as amended.

Signed: Bob Clark
Bob Clark, Chair

Carried by: Rep. Curtiss

And, that such amendments read:

1. Page 1, line 17.

Following: "A"

Insert: "person who is designated as a"

2. Page 1, line 18.

Following: "instructor"

Insert: "by the department of fish, wildlife, and parks under 87-2-105 or certified as an instructor by a national firearms association, who trains people in the lawful use of firearms, and"

-END-

SB 90

Committee Vote:
Yes 12, No 1.

HOUSE

SENATE BILL NO. 90

INTRODUCED BY BAER, MENAHAN, HARGROVE, BENEDICT, BROWN, SLITER, KEENAN, JORE, TVEIT,
CLARK, EMERSON, BISHOP, FRANKLIN, MILLS, HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY FROM LIABILITY TO CERTAIN FIREARMS
SAFETY INSTRUCTORS FOR THE CONDUCT, ACTS, AND OMISSIONS OF STUDENTS TAUGHT
ACCORDING TO CERTAIN STANDARDS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, many qualified persons are reluctant to become firearms safety instructors because of
a perception of potential exposure to liability for the conduct, acts, or omissions of students; and

WHEREAS, providing an exemption from liability will encourage more persons to undertake the
teaching of firearms safety, thereby improving the quality and availability of firearms safety instruction in
Montana.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Immunity of certain firearms safety instructors. ~~(+) A PERSON WHO~~
IS DESIGNATED AS A firearms safety instructor BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
UNDER 87-2-105 OR CERTIFIED AS AN INSTRUCTOR BY A NATIONAL FIREARMS ASSOCIATION, WHO
TRAINS PEOPLE IN THE LAWFUL USE OF FIREARMS, AND who is not employed by a governmental entity
is not liable for the conduct, acts, or omissions of a student HANDLING FIREARMS unless the instructor
exhibits gross negligence giving rise to causation of the damages.

~~(2) To qualify for immunity under this section, a firearms safety instructor shall maintain sufficient
records to demonstrate that particular identified students have been instructed according to reasonable
standards.~~

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to
[section 1].

