



RE: Oppose HB 114 Firearm Industry Accountability Act

Dear Mr./Madam Chair and Committee Members:

New Mexico Business Coalition (NMBC) advocates for private sector opportunities to diversify our economy, create job abundance, and help businesses and individuals pursue economic prosperity. NMBC partnerships include being the state affiliate for the National Association of Manufacturers (NAM).

NMBC Opposes HB 114 Firearm Industry Accountability Act (FIAA). This bill would open the floodgates for frivolous lawsuits and or civil action/fines against numerous businesses and manufacturers. The language defining a violation of the FIAA is so unrealistically open-ended that compliance would be a moving target for anyone in the business of sales, manufacturing, importing, distribution, advertising or marketing of a firearm. The precedent of this liability could carry over to all types of manufacturing and business operations.

Here are a few examples of problematic language in HB 114:

- A manufacturer or other business can be liable under the FIAA for “false advertising” that includes misrepresentation made by “...failure to reveal relevant facts...of the firearm...” when ‘relevant facts’ is undefined.
- A manufacturer or other business can be liable under the FIAA for “unconscionable trade practice,” which “...results in a gross disparity between the value received and the price paid.” It should be the free market system that determines price and value – not ambiguously worded legislation.
- A manufacturer or other business can be liable under the FIAA for “Harming the Public,” which includes creating/manufacturing or contributing to anything “...that could negatively impact public health, safety or welfare...” There are thousands of products made, advertised and sold each day that could violate this open ended section of the FIAA.

If someone was looking for legislation written to give trial attorneys an open door for lawsuits against a variety of businesses – HB 114 would be a model.

We urge you to Oppose HB 114 Firearm Industry Accountability Act.

Thank you,

Carla J. Sonntag
President