

106TH CONGRESS
1ST SESSION

H. R. 1577

To establish certain uniform legal principles of liability with respect to
manufacturers of products.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 1999

Mr. HOSTETTLER (for himself, Mr. NORWOOD, Mr. STUMP, Mr. HAYES, and Mr. TANCREDO) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish certain uniform legal principles of liability with
respect to manufacturers of products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Interstate Commerce
5 Freedom Act”.

1 **SEC. 2. FINDING AND PURPOSE.**

2 (a) FINDING.—The Congress finds that the free flow
3 of interstate commerce is vitally important to the contin-
4 ued economic vitality of the Nation.

5 (b) PURPOSE.—Based upon the powers contained in
6 Article I, section 8, clause 3 of the United States Constitu-
7 tion, the purpose of this Act is to promote the free flow
8 of goods and services and to lessen burdens on interstate
9 commerce by establishing certain uniform legal principles
10 of liability with respect to manufacturers of products that
11 have moved in or that otherwise affect interstate com-
12 merce.

13 **SEC. 3. RELATIONSHIP TO STATE AND FEDERAL LAWS.**

14 (a) RELATIONSHIP TO STATE LAWS.—This Act pre-
15 empts the laws of any State to the extent that State laws
16 are inconsistent with this Act, except that this Act shall
17 not preempt any State law that provides greater protec-
18 tions from liability for manufacturers.

19 (b) RELATIONSHIP TO FEDERAL LAWS.—Nothing in
20 this Act may be construed to supersede or alter any other
21 Federal law.

22 **SEC. 4. LIABILITY OF MANUFACTURER FOR HARM PROXI-**
23 **MATELY CAUSED BY CRIMINAL OR INTEN-**
24 **TIONALLY TORTIOUS ACT OF ANOTHER.**

25 In any civil action brought in any State or Federal
26 court alleging liability of a manufacturer for harm result-

1 ing from a product of the manufacturer, the manufacturer
2 shall not be liable for such harm if a proximate cause of
3 the harm was a criminal or intentionally tortious act of
4 a person other than the manufacturer.

5 **SEC. 5. LIABILITY OF MANUFACTURER FOR HARM RESULT-**
6 **ING FROM SALE OR MARKETING OF PROD-**
7 **UCT.**

8 In any civil action brought in any State or Federal
9 court alleging liability of a manufacturer for harm result-
10 ing from any sale or marketing of a product of the manu-
11 facturer, the manufacturer shall not be liable for such
12 harm unless the manufacturer failed to substantially com-
13 ply with a State or Federal statute applicable to the sale
14 or marketing of such product and such failure was a proxi-
15 mate cause of the harm.

16 **SEC. 6. DEFINITIONS.**

17 For purposes of this Act, the following definitions
18 shall apply:

19 (1) CLAIMANT.—The term “claimant” means a
20 person who brought the civil action against the man-
21 ufacturer, or a person on whose behalf the civil ac-
22 tion was brought.

23 (2) HARM.—The term “harm” includes any
24 physical, nonphysical, economic, or noneconomic
25 loss.

1 (3) MANUFACTURER.—The term “manufac-
2 turer” means, with respect to a product, any person
3 who produced, created, made, constructed, or de-
4 signed the product.

5 (4) PRODUCT.—The term “product” means any
6 object or substance produced, created, made, con-
7 structed, or designed for commercial or personal use
8 that has moved in or that otherwise affects inter-
9 state commerce.

10 (5) STATE.—The term “State” means any
11 State of the United States, the District of Columbia,
12 Commonwealth of Puerto Rico, the Northern Mar-
13 iana Islands, the Virgin Islands, Guam, American
14 Samoa, and any other territory or possession of the
15 United States, or any political subdivision of any of
16 the foregoing.

17 **SEC. 7. APPLICABILITY.**

18 This Act shall apply to any civil action commenced
19 after the date of enactment of this Act.

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