STATE OF NEW YORK

3314

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. DINOWITZ, BURDICK, KELLES, WEPRIN, FORREST -- read once and referred to the Committee on Insurance

AN ACT to amend the penal law, in relation to requiring owners of firearms, rifles and shotguns to obtain liability insurance

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is amended by adding a new section 400.04 to read as follows:

§ 400.04 Liability insurance for owners of firearms, rifles and shotguns.

1. Any person in this state who shall own any firearm, rifle or shotgun as defined in section 265.00 of this chapter shall, prior to such ownership and prior to the issuance of a license under this article, obtain and continuously maintain a policy of liability insurance in such amount or amounts as determined by the superintendent of financial services specifically covering any damages resulting from any negligent acts involving the use of such firearm, rifle or shotgun while it is owned by such person. Failure to maintain such insurance shall be a violation punishable by a fine of at least one hundred fifty dollars and not more than one thousand five hundred dollars and shall also result in the immediate revocation of such owner's registration, license and any other privilege to own or possess a firearm, rifle or shotgun.

2. For purposes of this section, a person shall be deemed to be the owner of a firearm, rifle or shotgun if such firearm, rifle or shotgun is lost or stolen until such loss or theft is reported to the police department or sheriff which has jurisdiction in the county, town, city or village in which such owner resides.

3. Any person who owns a firearm, rifle or shotgun on the effective date of this section shall obtain the insurance required by this section within ninety days of the issuance of regulations by the superintendent

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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of financial services setting forth the requirements, terms and coverage for such insurance.

4. The provisions of this section shall not apply to any peace officer, as defined in section 2.10 of the criminal procedure law, police officer, as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, or any member of the military who is on "active duty" or "in active military service of the United States" as defined in section one of the military law, who is authorized to carry a firearm.

5. The department of financial services is hereby authorized and directed to promulgate rules and regulations necessary to carry out the provisions of this section.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.