

# 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 Assem-  
bly, do enact as follows:

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

3 § 400.04 Liability insurance for owners of firearms, rifles and shot-  
4 guns.

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

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

22 3. Any person who owns a firearm, rifle or shotgun on the effective  
23 date of this section shall obtain the insurance required by this section  
24 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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1 of financial services setting forth the requirements, terms and coverage  
2 for such insurance.

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

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

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