

LEGISLATIVE INTENT NO. 1039

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR TODARO, LORIGO, GREENE, AND MILLS**

**Re: Opposition to proposed changes to NYS Insurance laws aimed at gun ownership**

**WHEREAS**, the use of firearms during the commission of a crime is deplorable and should be condemned by all elected officials; however, as happens far too often, well-meaning lawmakers seek to introduce gun-ownership laws without having a full understanding of the topic; and

**WHEREAS**, bill S4946 has been introduced in the New York State Senate to require owners of firearms to obtain liability insurance and to be liable for any acts carried out with said firearm prior to the filing of the reported loss or theft; and

**WHEREAS**, the law directs residents to acquire specific firearms liability insurance within 30 days of passage of the bill and to maintain such coverage in perpetuity. This proposal would neither reduce gun related violence, nor help potential victims of firearm related violence; and

**WHEREAS**, according to Jimi Grande, a vice president for the National Association of Mutual Insurance Companies, while likely well-intentioned, the requirement to carry firearm liability insurance “demonstrates a misunderstanding of the fundamental principles of insurance – that it is designed to cover fortuitous, or accidental events.” Accidental shootings are already covered under most homeowners and renters insurance policies. It is not a practice of the insurance industry to cover intentional criminal acts, nor should it be; and

**WHEREAS**, firearm liability insurance is not a product the insurance industry is even interested in providing. As a result, it is expensive and difficult to acquire. Claims brought under the policy, where available, are often disclaimed by insurance companies if a victim seeks compensation. It would only serve to impose an additional restriction on, and barrier to, firearm ownership while not offering protection to any parties involved; and

**WHEREAS**, the bill also imposes liability on owners of firearms for acts committed with those firearms if lost or stolen until they are reported to the appropriate law enforcement agency; and

**WHEREAS**, on its face, the burden to report a theft or loss is not significant; however, in practice the timing may be problematic. If residents are unaware of the theft or loss at the time the firearm is no longer in their possession, imposing additional liability on gun owners for the illegal acts of another is excessive and heavy handed; and

**WHEREAS**, NYS does not impose liability on the owners of cars that are stolen where the thief gets in an accident. Firearm owners should not be held to an impossible to meet standard when it comes to liability for damages for the unrelated desire to restrict gun ownership.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this honorable body hereby condemns the use of firearms during the commission of a crime and encourages all gun owners to practice gun safety; and, be it further

**RESOLVED**, that this honorable body hereby opposes Senate Bill S4946 (2021) as impractical to implement and an undue burden on registered gun owners across the state; and, be it further

**RESOLVED**, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and Assembly, Governor Andrew Cuomo's office, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution

# STATE OF NEW YORK

4946

2021-2022 Regular Sessions

## IN SENATE

February 19, 2021

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

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

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

- 1 Section 1. The insurance law is amended by adding a new section 2354  
2 to read as follows:  
3 § 2354. Firearm owners insurance policies. 1. Any person in this  
4 state who shall own a firearm shall, prior to such ownership, obtain and  
5 continuously maintain a policy of liability insurance in an amount not  
6 less than one million dollars specifically covering any damages result-  
7 ing from any negligent acts involving the use of such firearm while it  
8 is owned by such person. Failure to maintain such insurance shall result  
9 in the immediate revocation of such owner's registration, license and  
10 any other privilege to own such firearm.  
11 2. For purposes of this section, a person shall be deemed to be the  
12 owner of a firearm if such firearm is lost or stolen until such loss or  
13 theft is reported to the police department or sheriff which has juris-  
14 isdiction in the county, town, city or village in which such owner  
15 resides.  
16 3. Any person who owns a firearm on the effective date of this section  
17 shall obtain the insurance required by this section within thirty days  
18 of such effective date.  
19 4. The provisions of this section shall not apply to any peace offi-  
20 cer, as defined in section 2.10 of the criminal procedure law, police  
21 officer, as defined in subdivision thirty-four of section 1.20 of the  
22 criminal procedure law, or any member of the military who is on "active  
23 duty" or "in active military service of the United States" as defined in  
24 section one of the military law, who is authorized to carry a firearm.

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

LBD09303-01-1

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

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