

JAN 25 2023

A BILL FOR AN ACT

RELATING TO FIREARMS INSURANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that amid the rising tide
2 of firearm proliferation, reducing gun deaths and injuries
3 requires new solutions. One such solution is requiring gun
4 owners to carry liability insurance to compensate victims harmed
5 by the negligent or reckless use of a firearm. The legislature
6 further finds that insurance companies can use premiums to
7 encourage safer behavior by providing gun-owning policyholders
8 with financial incentives to take gun safety classes, store
9 their firearms in a gun safe, and install a chamber-load
10 indicator or trigger lock. As most gun owners have liability
11 coverage available to them under standard homeowner and renters
12 insurance policies with little to no additional cost,
13 legislation requiring insurance coverage has been proposed in
14 both California and New Jersey.

15 The purpose of this Act is to require gun owners to obtain
16 liability coverage for their firearms.



1 SECTION 2. Section 134-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§134-2 Permits to acquire. (a) No person shall acquire
4 the ownership of a firearm, whether usable or unusable,
5 serviceable or unserviceable, modern or antique, registered
6 under prior law or by a prior owner or unregistered, either by
7 purchase, gift, inheritance, bequest, or in any other manner,
8 whether procured in the State or imported by mail, express,
9 freight, or otherwise, until the person has first procured from
10 the chief of police of the county of the person's place of
11 business or, if there is no place of business, the person's
12 residence or, if there is neither place of business nor
13 residence, the person's place of sojourn, a permit to acquire
14 the ownership of a firearm as prescribed in this section. When
15 title to any firearm is acquired by inheritance or bequest, the
16 foregoing permit shall be obtained before taking possession of a
17 firearm; provided that upon presentation of a copy of the death
18 certificate of the owner making the bequest, any heir or legatee
19 may transfer the inherited or bequested firearm directly to a
20 dealer licensed under section 134-31 or licensed by the United



1 States Department of Justice without complying with the
2 requirements of this section.

3 (b) The permit application form shall include the
4 applicant's name, address, sex, height, weight, date of birth,
5 place of birth, country of citizenship, social security number,
6 alien or admission number, proof of coverage under a firearms
7 insurance policy that covers liabilities for personal injury and
8 property damage arising out of the possession or use of the
9 firearm, and information regarding the applicant's mental health
10 history and shall require the fingerprinting and photographing
11 of the applicant by the police department of the county of
12 registration; provided that where fingerprints and a photograph
13 are already on file with the department, these may be waived.

14 (c) An applicant for a permit shall sign a waiver at the
15 time of application, allowing the chief of police of the county
16 issuing the permit access to any records that have a bearing on
17 the mental health of the applicant. The permit application form
18 and the waiver form shall be prescribed by the attorney general
19 and shall be uniform throughout the State.

20 (d) The chief of police of the respective counties may
21 issue permits to acquire firearms to citizens of the United



1 States of the age of twenty-one years or more, or duly
2 accredited official representatives of foreign nations, or duly
3 commissioned law enforcement officers of the State who are
4 aliens; provided that any law enforcement officer who is the
5 owner of a firearm and who is an alien shall transfer ownership
6 of the firearm within forty-eight hours after termination of
7 employment from a law enforcement agency. The chief of police
8 of each county may issue permits to aliens of the age of
9 eighteen years or more for use of rifles and shotguns for a
10 period not exceeding sixty days, upon a showing that the alien
11 has first procured a hunting license under chapter 183D, part
12 II. The chief of police of each county may issue permits to
13 aliens of the age of twenty-one years or more for use of
14 firearms for a period not exceeding six months, upon a showing
15 that the alien is in training for a specific organized sport-
16 shooting contest to be held within the permit period. The
17 attorney general shall adopt rules, pursuant to chapter 91, as
18 to what constitutes sufficient evidence that an alien is in
19 training for a sport-shooting contest. Notwithstanding any law
20 to the contrary and upon joint application, the chief of police



1 may issue permits to acquire firearms jointly to spouses who
2 otherwise qualify to obtain permits under this section.

3 (e) The permit application form shall be signed by the
4 applicant and by the issuing authority. One copy of the permit
5 shall be retained by the issuing authority as a permanent
6 official record. Except for sales to dealers licensed under
7 section 134-31, or dealers licensed by the United States
8 Department of Justice, or law enforcement officers, or where a
9 license is granted under section 134-9, or where any firearm is
10 registered pursuant to section 134-3(a), no permit shall be
11 issued to an applicant earlier than fourteen calendar days after
12 the date of the application; provided that a permit shall be
13 issued or the application denied before the twentieth day from
14 the date of application. Permits issued to acquire any pistol
15 or revolver shall be void unless used within ten days after the
16 date of issue. Permits to acquire a pistol or revolver shall
17 require a separate application and permit for each transaction.
18 Permits issued to acquire any rifle or shotgun shall entitle the
19 permittee to make subsequent purchases of rifles or shotguns for
20 a period of one year from the date of issue without a separate
21 application and permit for each acquisition, subject to the



1 disqualifications under section 134-7 and subject to revocation
2 under section 134-13; provided that if a permittee is arrested
3 for committing a felony or any crime of violence or for the
4 illegal sale of any drug, the permit shall be impounded and
5 shall be surrendered to the issuing authority. The issuing
6 authority shall perform an inquiry on an applicant by using the
7 International Justice and Public Safety Network, including the
8 United States Immigration and Customs Enforcement query, the
9 National Crime Information Center, and the National Instant
10 Criminal Background Check System, pursuant to section 846-2.7
11 before any determination to issue a permit or to deny an
12 application is made.

13 (f) In all cases where a pistol or revolver is acquired
14 from another person within the State, the permit shall be signed
15 in ink by the person to whom title to the pistol or revolver is
16 transferred and shall be delivered to the person who is
17 transferring title to the firearm, who shall verify that the
18 person to whom the firearm is to be transferred is the person
19 named in the permit and enter on the permit in the space
20 provided the following information: name of the person to whom
21 the title to the firearm was transferred; names of the



1 manufacturer and importer; model; type of action; caliber or
2 gauge; and serial number, as applicable. The person who is
3 transferring title to the firearm shall sign the permit in ink
4 and cause the permit to be delivered or sent by registered mail
5 to the issuing authority within forty-eight hours after
6 transferring the firearm.

7 In all cases where receipt of a firearm is had by mail,
8 express, freight, or otherwise from sources without the State,
9 the person to whom the permit has been issued shall make the
10 prescribed entries on the permit, sign the permit in ink, and
11 cause the permit to be delivered or sent by registered mail to
12 the issuing authority within forty-eight hours after taking
13 possession of the firearm.

14 In all cases where a rifle or shotgun is acquired from
15 another person within the State, the person who is transferring
16 title to the rifle or shotgun shall submit, within forty-eight
17 hours after transferring the firearm, to the authority that
18 issued the permit to acquire, the following information, in
19 writing: name of the person who transferred the firearm, name
20 of the person to whom the title to the firearm was transferred;



1 names of the manufacturer and importer; model; type of action;
2 caliber or gauge; and serial number, as applicable.

3 (g) Effective July 1, 1995, no person shall be issued a
4 permit under this section for the acquisition of a pistol or
5 revolver unless the person, at any time prior to the issuance of
6 the permit, has completed:

7 (1) An approved hunter education course as authorized
8 under section 183D-28;

9 (2) A firearms safety or training course or class
10 available to the general public offered by a law
11 enforcement agency of the State or of any county;

12 (3) A firearms safety or training course offered to law
13 enforcement officers, security guards, investigators,
14 deputy sheriffs, or any division or subdivision of law
15 enforcement or security enforcement by a state or
16 county law enforcement agency; or

17 (4) A firearms training or safety course or class
18 conducted by a state certified or National Rifle
19 Association certified firearms instructor or a
20 certified military firearms instructor that provides,
21 at a minimum, a total of at least two hours of firing



1 training at a firing range and a total of at least
2 four hours of classroom instruction, which may include
3 a video, that focuses on:

4 (A) The safe use, handling, and storage of firearms
5 and firearm safety in the home; and

6 (B) Education on the firearm laws of the State. An
7 affidavit signed by the certified firearms
8 instructor who conducted or taught the course,
9 providing the name, address, and phone number of
10 the instructor and attesting to the successful
11 completion of the course by the applicant shall
12 constitute evidence of certified successful
13 completion under this paragraph.

14 (h) No person shall sell, give, lend, or deliver into the
15 possession of another any firearm except in accordance with this
16 chapter.

17 (i) No fee shall be charged for permits, or applications
18 for permits, under this section, except for a single fee
19 chargeable by and payable to the issuing county, for individuals
20 applying for their first permit, in an amount equal to the fee
21 charged by the Hawaii criminal justice data center pursuant to



1 section 846-2.7. In the case of a joint application, the fee
2 provided for in this section may be charged to each person to
3 whom no previous permit has been issued.

4 (j) In all cases where a permit application under this
5 section is denied because an applicant is prohibited from
6 owning, possessing, receiving, or controlling firearms under
7 federal or state law, the chief of police of the applicable
8 county shall, within ten business days from the date of denial,
9 send written notice of the denial including the identity of the
10 applicant and the reasons for the denial to the:

- 11 (1) Prosecuting attorney in the county where the permit
12 was denied;
- 13 (2) Attorney general;
- 14 (3) United States Attorney for the District of Hawaii; and
- 15 (4) Director of public safety.

16 If the permit to acquire was denied because the applicant
17 is subject to an order described in section 134-7(f), the chief
18 of police shall, within three business days from the date of
19 denial, send written notice of the denial to the court that
20 issued the order.



1 When the director of public safety receives notice that an
2 applicant has been denied a permit because of a prior criminal
3 conviction, the director of public safety shall determine
4 whether the applicant is currently serving a term of probation
5 or parole, and if the applicant is serving such a term, send
6 written notice of the denial to the applicant's probation or
7 parole officer.

8 (k) The permit to acquire a firearm shall be renewed every
9 five years during the ownership of the firearm and shall require
10 continued proof of coverage under a firearms insurance policy as
11 required by this section.

12 (l) Proof of coverage under a firearms insurance policy
13 shall not be required if the insurance is not commercially
14 available in the State. If the applicant or permittee, as the
15 case may be, is unable to obtain coverage because the coverage
16 is not available, the applicant or permittee shall submit
17 written notice from the applicant's or permittee's state-
18 licensed insurer stating that the coverage is not available in
19 the State."

20 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on January 1, 2024.

2 INTRODUCED BY: Kal Alford



S.B. NO. 1494

Report Title:

Firearms Insurance

Description:

Requires firearms owners to obtain firearms insurance.
Effective 1/1/2024.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

