

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0008.01 Conrad Imel x2313

HOUSE BILL 24-1270

HOUSE SPONSORSHIP

Woodrow and Jodeh,

SENATE SPONSORSHIP

Hansen,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT FIREARM OWNERS MAINTAIN
102 LIABILITY INSURANCE, AND, IN CONNECTION THEREWITH,
103 REQUIRING INSURERS TO MAKE COVERAGE AVAILABLE IN
104 HOMEOWNERS AND RENTERS INSURANCE POLICIES FOR
105 DAMAGES RESULTING FROM ACCIDENTAL OR UNINTENTIONAL
106 DISCHARGE OF A FIREARM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires firearm owners to maintain a liability insurance

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

policy that covers losses or damages to a person, other than the policyholder, who is injured on the insured property as a result of any accidental or unintentional discharge of the firearm (firearm liability insurance). Failure to maintain a firearm liability insurance policy is a civil infraction. A first offense is punishable by a minimum \$500 fine, half of which may be suspended if the person has obtained firearm liability insurance. A second offense within 5 years of a prior offense is punishable by a minimum \$1,000 fine.

The bill permits a person who was denied firearm liability insurance by 2 or more insurers or a person who is indigent and cannot afford the insurance to petition a court for an order declaring that the person is excused from the firearm liability insurance requirement. The court shall issue the order if it finds that the person is likely to behave prudently and safely in the storage, carrying, and use of a firearm and that the person has a gun safe or other secure container to store the firearm. The requirement to maintain firearm liability insurance does not apply to a person who holds a valid court order declaring the person is excused from the requirement.

The bill requires an insurer to make available to an applicant the opportunity to include in a homeowners or renters insurance policy coverage that satisfies the firearm liability insurance requirement. An insurer may deny firearm liability coverage to an applicant based on the insurer's individualized assessment of the risk related to covering the applicant.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Beginning in the 1830s, U.S. jurisdictions enacted surety laws
5 that required certain firearm owners to post a surety bond that would be
6 forfeited if the firearm owner failed to keep the peace;

7 (b) Historical surety laws did not prohibit anyone from possessing
8 or carrying arms but incentivized responsible firearm possession by
9 requiring a surety that the owner would forfeit in the event that the owner
10 breached the peace;

11 (c) At least ten U.S. jurisdictions enacted similar, if not identical,

1 surety laws during the nineteenth century; and

2 (d) The historical surety laws are analogous to modern liability
3 insurance that does not prohibit firearm ownership or use.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 18-12-116 as
5 follows:

6 **18-12-116. Firearm liability insurance required - evidence of**
7 **policy - penalties - petition declaring person uninsurable - repeal.**

8 (1) (a) A RESIDENT OF COLORADO WHO OWNS A FIREARM SHALL OBTAIN
9 AND CONTINUOUSLY MAINTAIN IN FULL FORCE AND EFFECT A
10 HOMEOWNERS, RENTERS, OR OTHER LIABILITY INSURANCE POLICY FROM
11 A NONADMITTED INSURER, AS DEFINED IN SECTION 10-5-101.2, OR AN
12 INSURER AUTHORIZED TO DO BUSINESS IN COLORADO THAT COVERS
13 LOSSES OR DAMAGES OF AT LEAST ONE HUNDRED THOUSAND DOLLARS TO
14 ALL PERSONS ARISING FROM ANY ONE INCIDENT TO A PERSON, OTHER THAN
15 THE INSURED, WHO IS INJURED ON THE INSURED PROPERTY AS A RESULT OF
16 ANY ACCIDENTAL OR UNINTENTIONAL DISCHARGE OF THE FIREARM,
17 INCLUDING, BUT NOT LIMITED TO, DEATH, INJURY, OR PROPERTY DAMAGE.

18 (b) (I) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, A
19 PERSON WHO OWNS A FIREARM ON THE EFFECTIVE DATE OF THIS SECTION
20 SHALL OBTAIN THE INSURANCE REQUIRED BY THIS SECTION WITHIN NINETY
21 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

22 (II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE JUNE 30,
23 2025.

24 (2) (a) FOR THE PURPOSES OF THIS SECTION, A PERSON IS DEEMED
25 TO BE THE OWNER OF A FIREARM THAT IS LOST OR STOLEN UNTIL THE LOSS
26 OR THEFT IS REPORTED TO A LAW ENFORCEMENT AGENCY IN COMPLIANCE
27 WITH SECTION 18-12-113.

1 (b) FOR THE PURPOSES OF THIS SECTION, AN INSURANCE POLICY
2 DECLARATIONS PAGE PROVIDED TO A FIREARM OWNER BY AN INSURER
3 THAT DESCRIBES COVERAGE THAT COMPLIES WITH THE REQUIREMENTS OF
4 THIS SECTION IS EVIDENCE OF A POLICY.

5 (3) TESTIMONY OF THE FAILURE OF A FIREARM OWNER TO PRESENT
6 EVIDENCE OF A COMPLYING POLICY IN FULL FORCE AND EFFECT WHEN
7 REQUESTED TO DO SO BY A PEACE OFFICER IS PRIMA FACIE EVIDENCE THAT
8 THE FIREARM OWNER HAS VIOLATED SUBSECTION (1) OF THIS SECTION.

9 (4) A PERSON CHARGED WITH VIOLATING SUBSECTION (1) OF THIS
10 SECTION SHALL NOT BE CONVICTED IF THE PERSON HAD A POLICY THAT
11 COMPLIES WITH SUBSECTION (1) OF THIS SECTION THAT WAS IN FULL FORCE
12 AND EFFECT AT THE TIME OF THE ALLEGED VIOLATION.

13 (5) (a) A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CIVIL
14 INFRACTION, PUNISHABLE BY A FINE AS DESCRIBED IN THIS SUBSECTION
15 (5).

16 (b) UPON A FIRST CONVICTION FOR A VIOLATION OF SUBSECTION
17 (1) OF THIS SECTION, THE COURT SHALL IMPOSE A MINIMUM
18 FIVE-HUNDRED-DOLLAR FINE. THE COURT MAY SUSPEND UP TO ONE-HALF
19 OF THE FINE UPON A SHOWING THAT THE PERSON HAS OBTAINED
20 INSURANCE AS REQUIRED BY SUBSECTION (1) OF THIS SECTION.

21 (c) UPON A SECOND OR SUBSEQUENT CONVICTION FOR A
22 VIOLATION OF SUBSECTION (1) OF THIS SECTION WITHIN FIVE YEARS AFTER
23 A PRIOR CONVICTION FOR A VIOLATION OF THIS SECTION, THE COURT SHALL
24 IMPOSE A ONE-THOUSAND-DOLLAR FINE. THE COURT SHALL NOT SUSPEND
25 THE FINE.

26 (6) THIS SECTION DOES NOT APPLY TO:

27 (a) A FEDERAL FIREARMS LICENSEE;

1 (b) A PERSON WHO HOLDS A VALID ORDER ISSUED PURSUANT TO
2 SUBSECTION (7) OF THIS SECTION DECLARING THAT THE PERSON IS
3 EXCUSED FROM THE REQUIREMENT TO MAINTAIN THE INSURANCE
4 COVERAGE; OR

5 (c) A PERSON WHO HAS FILED A PETITION WITH A COURT FOR AN
6 ORDER DECLARING THAT THE PERSON IS EXCUSED PURSUANT TO
7 SUBSECTION (7) OF THIS SECTION IF THE PETITION SHOWS, ON ITS FACE,
8 THAT THE PERSON IS ELIGIBLE TO BE ISSUED AN ORDER UNTIL THE COURT
9 MAKES A DETERMINATION ON THE PETITION.

10 (7) (a) THE FOLLOWING PERSONS MAY PETITION A COURT FOR AN
11 ORDER DECLARING THAT THE PERSON IS EXCUSED FROM THE REQUIREMENT
12 IN SUBSECTION (1) OF THIS SECTION TO MAINTAIN INSURANCE COVERAGE:

13 (I) A PERSON WHO WAS DENIED THE INSURANCE COVERAGE
14 REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION BY TWO OR
15 MORE INSURERS; OR

16 (II) A PERSON WHO IS INDIGENT AND WHO HAS APPLIED FOR AND
17 BEEN OFFERED THE COVERAGE REQUIRED PURSUANT TO SUBSECTION (1)
18 OF THIS SECTION, BUT CANNOT AFFORD THE COVERAGE.

19 (b) VENUE FOR FILING A PETITION PURSUANT TO THIS SUBSECTION
20 (7) IS PROPER IN THE DISTRICT COURT FOR THE COUNTY IN WHICH THE
21 PETITIONER RESIDES. A PETITION MUST DEMONSTRATE THAT THE
22 PETITIONER SATISFIES THE REQUIREMENTS FOR AN ORDER DESCRIBED IN
23 SUBSECTION (7)(d) OF THIS SECTION.

24 (c) UPON RECEIPT OF A PETITION, THE COURT SHALL HOLD A
25 HEARING TO MAKE A DETERMINATION AS SOON AS PRACTICABLE, BUT NO
26 LATER THAN FOURTEEN DAYS AFTER THE PETITION IS FILED.

27 (d) UPON HEARING THE MATTER, THE COURT MUST ISSUE AN

1 ORDER THAT THE PERSON IS UNINSURABLE IF THE COURT FINDS BY A
2 PREPONDERANCE OF THE EVIDENCE THAT THE PETITIONER:

3 (I) (A) WAS DENIED THE INSURANCE COVERAGE REQUIRED
4 PURSUANT TO SUBSECTION (1) OF THIS SECTION BY TWO OR MORE
5 INSURERS; OR

6 (B) IS INDIGENT AND HAS BEEN OFFERED THE COVERAGE REQUIRED
7 PURSUANT TO SUBSECTION (1) OF THIS SECTION, BUT CANNOT AFFORD THE
8 COVERAGE;

9 (II) IS LIKELY TO BEHAVE PRUDENTLY AND SAFELY IN THE
10 STORAGE, CARRYING, AND USE OF A FIREARM; AND

11 (III) POSSESSES A GUN SAFE OR OTHER SECURE CONTAINER TO
12 STORE THE FIREARM AND THE PETITIONER DEMONSTRATES TO THE COURT
13 THE LOCATION IN THE PETITIONER'S HOME WHERE THE GUN SAFE OR OTHER
14 SECURE CONTAINER IS PERMANENTLY AFFIXED OR REGULARLY KEPT.

15 (e) AN ORDER ISSUED PURSUANT TO THIS SUBSECTION (7) THAT A
16 PERSON IS EXCUSED FROM THE REQUIREMENT TO MAINTAIN THE
17 INSURANCE COVERAGE IS VALID FOR TWO YEARS.

18 (f) (I) IN DETERMINING WHETHER GROUNDS TO ISSUE AN ORDER
19 PURSUANT TO THIS SUBSECTION (7) EXIST, THE COURT MAY CONSIDER ANY
20 RELEVANT EVIDENCE. IN DETERMINING WHETHER A PERSON CAN AFFORD
21 THE COVERAGE REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION,
22 THE COURT SHALL CONSIDER AVAILABILITY OF GRANTS AND OTHER
23 NON-STATE FUNDING SOURCES AVAILABLE TO ASSIST PERSONS WITH THE
24 COST OF OBTAINING THE COVERAGE.

25 (II) FOR THE PURPOSES OF THIS SUBSECTION (7), A PERSON IS
26 INDIGENT IF THE PERSON WOULD QUALIFY FOR COURT-APPOINTED
27 COUNSEL IN A CRIMINAL MATTER.

1 **SECTION 3.** In Colorado Revised Statutes, **add** 10-4-122 as
2 follows:

3 **10-4-122. Firearms liability insurance - homeowners or**
4 **renter's insurance policies - required notices - rules - definition.**

5 (1) AS PART OF A HOMEOWNERS OR RENTERS INSURANCE POLICY, AN
6 INSURER SHALL MAKE AVAILABLE COVERAGE FOR LOSSES OR DAMAGES TO
7 A PERSON, OTHER THAN THE INSURED, WHO IS INJURED ON THE PROPERTY
8 AS A RESULT OF AN ACCIDENTAL OR UNINTENTIONAL DISCHARGE OF A
9 FIREARM, INCLUDING, BUT NOT LIMITED TO, DEATH, INJURY, OR PROPERTY
10 DAMAGE, THAT MEETS THE REQUIREMENTS SET FORTH IN SECTION
11 18-12-116.

12 (2) (a) ON AND AFTER JANUARY 1, 2026, THE APPLICATION FOR
13 ISSUANCE OR RENEWAL OF A HOMEOWNERS OR RENTERS INSURANCE
14 POLICY MUST INFORM THE APPLICANT:

15 (I) OF THE REQUIREMENT THAT A FIREARM OWNER MAINTAIN
16 LIABILITY INSURANCE THAT COVERS LOSSES OR DAMAGES AS A RESULT OF
17 ANY ACCIDENTAL OR UNINTENTIONAL DISCHARGE OF A FIREARM, AS
18 DESCRIBED IN SECTION 18-12-116; AND

19 (II) THAT THE COVERAGE MAY RESULT IN AN INCREASED PREMIUM,
20 BUT THAT THE INSURER MAY REDUCE OR ELIMINATE THE PREMIUM IF THE
21 APPLICANT OR POLICYHOLDER, AS APPLICABLE, SUBMITS PHOTOGRAPHIC
22 OR OTHER EVIDENCE ACCEPTABLE TO THE INSURER DEMONSTRATING THAT
23 THE APPLICANT OR POLICYHOLDER POSSESSES A GUN SAFE OR OTHER
24 SECURE CONTAINER AND THAT SHOWS THE LOCATION IN THE HOME WHERE
25 THE GUN SAFE OR OTHER SECURE CONTAINER IS PERMANENTLY AFFIXED
26 OR REGULARLY KEPT.

27 (b) AN INSURER MAY DENY AN APPLICANT THE COVERAGE

1 DESCRIBED IN SUBSECTION (1) OF THIS SECTION BASED ON THE INSURER'S
2 INDIVIDUALIZED ASSESSMENT OF THE RISK RELATED TO COVERING THE
3 APPLICANT; EXCEPT THAT AN INSURER SHALL NOT DENY COVERAGE OR A
4 CLAIM BASED SOLELY ON AN APPLICANT'S FAILURE TO RESPONSIBLY AND
5 SECURELY STORE A FIREARM IN VIOLATION OF SECTION 18-12-114.

6 (3) THE COMMISSIONER MAY ADOPT RULES NECESSARY TO
7 IMPLEMENT THIS SECTION.

8 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES, "FIREARM" HAS THE SAME MEANING AS SET FORTH IN SECTION
10 18-12-101.

11 **SECTION 4.** In Colorado Revised Statutes, 10-4-110.8, **add** (17)
12 as follows:

13 **10-4-110.8. Homeowners insurance - prohibited and required**
14 **practices - estimates of replacement value - additional living expense**
15 **coverage - copies of policies - personal property contents coverage -**
16 **inventory of personal property - requirements concerning total loss**
17 **scenarios resulting from wildlife disasters - rules - definitions.**

18 (17) AN INSURER THAT OFFERS A HOMEOWNERS INSURANCE POLICY
19 SHALL COMPLY WITH THE REQUIREMENTS RELATED TO FIREARMS
20 LIABILITY SET FORTH IN SECTION 10-4-122.

21 **SECTION 5. Effective date.** This act takes effect January 1,
22 2025.

23 **SECTION 6. Safety clause.** The general assembly finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety or for appropriations for
26 the support and maintenance of the departments of the state and state
27 institutions.