

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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.

HOUSE
Amended 2nd Reading
April 19, 2024

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
9 CONTINUOUSLY MAINTAIN IN FULL FORCE AND EFFECT A HOMEOWNERS,
10 RENTERS, OR OTHER LIABILITY INSURANCE POLICY FROM A NONADMITTED
11 INSURER, AS DEFINED IN SECTION 10-5-101.2, OR AN INSURER AUTHORIZED
12 TO DO BUSINESS IN COLORADO THAT COVERS LOSSES OR DAMAGES OF AT
13 LEAST ONE HUNDRED THOUSAND DOLLARS TO ALL PERSONS ARISING FROM
14 ANY ONE INCIDENT TO A PERSON, OTHER THAN THE INSURED, WHO IS
15 INJURED AS A RESULT OF ANY ACCIDENTAL OR UNINTENTIONAL
16 DISCHARGE OF THE FIREARM, INCLUDING, BUT NOT LIMITED TO, DEATH,
17 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 WHO DOES NOT HAVE IN EFFECT A POLICY THAT COMPLIES WITH THE
21 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION SHALL OBTAIN THE
22 INSURANCE REQUIRED BY THIS SECTION WITHIN NINETY DAYS AFTER THE
23 EFFECTIVE DATE OF THIS SECTION.

24 (II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE JUNE 30,
25 2025.

26 (c) THIS SUBSECTION (1) DOES NOT REQUIRE A RESIDENT OF
27 COLORADO WHO OWNS A FIREARM TO OBTAIN A NEW INSURANCE POLICY

1 IF THE PERSON MAINTAINS IN FULL FORCE AND EFFECT A POLICY THAT
2 COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (1)(a) OF THIS
3 SECTION.

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

8 (b) FOR THE PURPOSES OF THIS SECTION, AN INSURANCE POLICY
9 DECLARATIONS PAGE PROVIDED TO A FIREARM OWNER BY AN INSURER
10 THAT DESCRIBES COVERAGE THAT COMPLIES WITH THE REQUIREMENTS OF
11 THIS SECTION IS EVIDENCE OF A POLICY.

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

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

20 (5) (a) A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CIVIL
21 INFRACTION, PUNISHABLE BY A FINE AS DESCRIBED IN THIS SUBSECTION
22 (5).

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

1 (c) UPON A SECOND OR SUBSEQUENT CONVICTION FOR A
2 VIOLATION OF SUBSECTION (1) OF THIS SECTION WITHIN FIVE YEARS AFTER
3 A PRIOR CONVICTION FOR A VIOLATION OF THIS SECTION, THE COURT SHALL
4 IMPOSE A ONE-THOUSAND-DOLLAR FINE. THE COURT SHALL NOT SUSPEND
5 THE FINE.

6 (6) THIS SECTION DOES NOT APPLY TO:

7 (a) A FEDERAL FIREARMS LICENSEE;

8 (b) A PERSON WHO HOLDS A VALID ORDER ISSUED PURSUANT TO
9 SUBSECTION (8) OF THIS SECTION DECLARING THAT THE PERSON IS
10 EXCUSED FROM THE REQUIREMENT TO MAINTAIN THE INSURANCE
11 COVERAGE; OR

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

17 (7) IT IS AN AFFIRMATIVE DEFENSE TO A VIOLATION OF SUBSECTION
18 (1) OF THIS SECTION THAT THE PERSON:

19 (a) (I) WAS DENIED THE INSURANCE COVERAGE REQUIRED
20 PURSUANT TO SUBSECTION (1) OF THIS SECTION BY TWO OR MORE
21 INSURERS; OR

22 (II) IS INDIGENT AND HAS APPLIED FOR AND BEEN OFFERED THE
23 COVERAGE REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION, BUT
24 CANNOT AFFORD THE COVERAGE;

25 (b) IS LIKELY TO BEHAVE PRUDENTLY AND SAFELY IN THE
26 STORAGE, CARRYING, AND USE OF A FIREARM; AND

27 (c) POSSESSES A GUN SAFE OR OTHER SECURE CONTAINER TO

1 STORE THE FIREARM IN THE PERSON'S HOME.

2 (8) (a) THE FOLLOWING PERSONS MAY PETITION A COURT FOR AN
3 ORDER DECLARING THAT THE PERSON IS EXCUSED FROM THE REQUIREMENT
4 IN SUBSECTION (1) OF THIS SECTION TO MAINTAIN INSURANCE COVERAGE:

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

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

11 (b) VENUE FOR FILING A PETITION PURSUANT TO THIS SUBSECTION
12 (8) IS PROPER IN THE DISTRICT COURT FOR THE COUNTY IN WHICH THE
13 PETITIONER RESIDES. A PETITION MUST DEMONSTRATE THAT THE
14 PETITIONER SATISFIES THE REQUIREMENTS FOR AN ORDER DESCRIBED IN
15 SUBSECTION (8)(d) OF THIS SECTION.

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

19 (d) UPON HEARING THE MATTER, THE COURT MUST ISSUE AN
20 ORDER THAT THE PERSON IS UNINSURABLE IF THE COURT FINDS BY A
21 PREPONDERANCE OF THE EVIDENCE THAT THE PETITIONER:

22 (I) (A) WAS DENIED THE INSURANCE COVERAGE REQUIRED
23 PURSUANT TO SUBSECTION (1) OF THIS SECTION BY TWO OR MORE
24 INSURERS; OR

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

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

3 (III) POSSESSES A GUN SAFE OR OTHER SECURE CONTAINER TO
4 STORE THE FIREARM AND THE PETITIONER DEMONSTRATES TO THE COURT
5 THE LOCATION IN THE PETITIONER'S HOME WHERE THE GUN SAFE OR OTHER
6 SECURE CONTAINER IS PERMANENTLY AFFIXED OR REGULARLY KEPT.

7 (e) AN ORDER ISSUED PURSUANT TO THIS SUBSECTION (8) THAT A
8 PERSON IS EXCUSED FROM THE REQUIREMENT TO MAINTAIN THE
9 INSURANCE COVERAGE IS VALID FOR THREE YEARS.

10 (f) (I) IN DETERMINING WHETHER GROUNDS TO ISSUE AN ORDER
11 PURSUANT TO THIS SUBSECTION (8) EXIST, THE COURT MAY CONSIDER ANY
12 RELEVANT EVIDENCE. IN DETERMINING WHETHER A PERSON CAN AFFORD
13 THE COVERAGE REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION,
14 THE COURT SHALL CONSIDER AVAILABILITY OF GRANTS AND OTHER
15 NON-STATE FUNDING SOURCES AVAILABLE TO ASSIST PERSONS WITH THE
16 COST OF OBTAINING THE COVERAGE.

17 (II) FOR THE PURPOSES OF THIS SUBSECTION (8), A PERSON IS
18 INDIGENT IF THE PERSON WOULD QUALIFY FOR COURT-APPOINTED
19 COUNSEL IN A CRIMINAL MATTER.

20 (9) AN INSURER WHO ISSUES A LIABILITY INSURANCE POLICY THAT
21 COMPLIES WITH SUBSECTION (1) OF THIS SECTION SHALL NOT ASK FOR, OR
22 REQUIRE AN INSURED TO PROVIDE, THE SERIAL NUMBER OR ANY OTHER
23 INFORMATION ABOUT THE SPECIFIC FIREARMS THAT THE INSURED OWNS
24 AS A CONDITION OF ISSUING THE LIABILITY INSURANCE POLICY.

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

27 **10-4-122. Firearms liability insurance - homeowners or**

1 **renter's insurance policies - required notices - rules - definition.**

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

9 (2) (a) ON AND AFTER JANUARY 1, 2026, AN INSURER SHALL
10 INCLUDE THE FOLLOWING NOTIFICATIONS IN THE SUMMARY DISCLOSURE
11 FORM DESCRIBED IN SECTION 10-4-111:

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

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

24 (b) AN INSURER MAY DENY AN APPLICANT THE COVERAGE
25 DESCRIBED IN SUBSECTION (1) OF THIS SECTION BASED ON THE INSURER'S
26 INDIVIDUALIZED ASSESSMENT OF THE RISK RELATED TO COVERING THE
27 APPLICANT; EXCEPT THAT AN INSURER SHALL NOT DENY COVERAGE OR A

1 CLAIM BASED SOLELY ON AN APPLICANT'S FAILURE TO RESPONSIBLY AND
2 SECURELY STORE A FIREARM IN VIOLATION OF SECTION 18-12-114.

3 (c) AN INSURER WHO ISSUES A LIABILITY INSURANCE POLICY
4 DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL NOT ASK FOR, OR
5 REQUIRE AN INSURED TO PROVIDE, THE SERIAL NUMBER OR ANY OTHER
6 INFORMATION ABOUT THE SPECIFIC FIREARMS THAT THE INSURED OWNS
7 AS A CONDITION OF ISSUING THE LIABILITY INSURANCE POLICY.

8 (3) THE COMMISSIONER MAY ADOPT RULES NECESSARY TO
9 IMPLEMENT THIS SECTION.

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

13
14 **SECTION 4. Effective date.** This act takes effect January 1,
15 2025.

16 **SECTION 5. Safety clause.** The general assembly finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety or for appropriations for
19 the support and maintenance of the departments of the state and state
20 institutions.