

JAN 19 2017

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# A BILL FOR AN ACT

RELATING TO FIREARMS INSURANCE.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER

5 FIREARMS INSURANCE

6 § -1 **Mandatory coverage.** (a) In addition to the  
7 requirements under chapter 134, no person shall acquire or  
8 possess a firearm unless the person obtains firearms insurance  
9 to cover liabilities for personal injury and property damage  
10 arising out of the possession or use of the firearm.

11 (b) Upon obtaining firearms insurance, the person shall  
12 submit proof of coverage under a firearms' insurance policy and  
13 an administrative fee to the department of commerce and consumer  
14 affairs. The department shall determine the amount of the fee  
15 through rulemaking pursuant to chapter 91.

16 § -2 **Insurance program; establishment.** (a) The  
17 department of commerce and consumer affairs, with the assistance



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1 of the department of public safety, shall establish through  
2 rules adopted pursuant to chapter 91, a firearms insurance  
3 program for the insurance requirements of firearms owners.

4 (b) The firearms insurance program shall cover, at a  
5 minimum:

6 (1) Rates, rate filings, and rate review by the insurance  
7 commissioner; and

8 (2) Coverages and rights.

9 § -3 **Firearms insurance special fund.** (a) There is  
10 established in the treasury of the State, a firearms insurance  
11 special fund to be administered by the insurance commissioner.  
12 The revenues of the special fund shall consist of administrative  
13 fees charged to persons for the ownership and possession of  
14 firearms. The revenues of the special fund may be used to:

15 (1) Support programs in the public or private sectors that  
16 provide mental health services; and  
17 (2) Enhance firearms safety.

18 (b) The commissioner shall submit an annual report to the  
19 legislature on the revenues and expenditures of the fund."

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



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1           "§134-2 Permits to acquire. (a) No person shall acquire  
2 the ownership of a firearm, whether usable or unusable,  
3 serviceable or unserviceable, modern or antique, registered  
4 under prior law or by a prior owner or unregistered, either by  
5 purchase, gift, inheritance, bequest, or in any other manner,  
6 whether procured in the State or imported by mail, express,  
7 freight, or otherwise, until the person has first procured from  
8 the chief of police of the county of the person's place of  
9 business or, if there is no place of business, the person's  
10 residence or, if there is neither place of business nor  
11 residence, the person's place of sojourn, a permit to acquire  
12 the ownership of a firearm as prescribed in this section. When  
13 title to any firearm is acquired by inheritance or bequest, the  
14 foregoing permit shall be obtained before taking possession of a  
15 firearm; provided that upon presentation of a copy of the death  
16 certificate of the owner making the bequest, any heir or legatee  
17 may transfer the inherited or bequested firearm directly to a  
18 dealer licensed under section 134-31 or licensed by the United  
19 States Department of Justice without complying with the  
20 requirements of this section.



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

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

17           (d) The chief of police of the respective counties may  
18 issue permits to acquire firearms to citizens of the United  
19 States of the age of twenty-one years or more, or duly  
20 accredited official representatives of foreign nations, or duly  
21 commissioned law enforcement officers of the State who are



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



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



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

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



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1 transferring title to the firearm shall sign the permit in ink  
2 and cause the permit to be delivered or sent by registered mail  
3 to the issuing authority within forty-eight hours after  
4 transferring the firearm.

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

12 In all cases where a rifle or shotgun is acquired from  
13 another person within the State, the person who is transferring  
14 title to the rifle or shotgun shall submit, within forty-eight  
15 hours after transferring the firearm, to the authority which  
16 issued the permit to acquire, the following information, in  
17 writing: name of the person who transferred the firearm, name  
18 of the person to whom the title to the firearm was transferred;  
19 names of the manufacturer and importer; model; type of action;  
20 caliber or gauge; and serial number as applicable.





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

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

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

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

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



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1 four hours of classroom instruction, which may include  
2 a video, that focuses on:

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

5 (B) Education on the firearm laws of the State.

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

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

16 (i) No fee shall be charged for permits, or applications  
17 for permits, under this section, except for a single fee  
18 chargeable by and payable to the issuing county, for individuals  
19 applying for their first permit, in an amount equal to the fee  
20 charged by the Hawaii criminal justice data center pursuant to  
21 section 846-2.7. In the case of a joint application, the fee



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1 provided for in this section may be charged to each person to  
2 whom no previous permit has been issued.

3 (j) The permit to acquire a firearm shall be renewed every  
4 five years during the ownership of the firearm and shall require  
5 continued proof of coverage under a firearms insurance policy as  
6 required by chapter ."

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on January 1, 2019.

9

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**Report Title:**

Firearms Insurance; DCCA; DPS

**Description:**

Requires firearms owners to obtain firearms insurance. Requires DCCA, with the assistance of DPS, to create a firearms insurance program. Creates special fund for administrative fees. Effective 1/1/2019.

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

