

House Bill 64

By: Representatives Oliver of the 84th, Au of the 50th, Draper of the 90th, Roberts of the 52nd,
Lupton of the 83rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 16 and 33 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses and insurance, respectively, so as to require an owner of an assault weapon to
3 procure and maintain sufficient liability insurance to protect against legal liability arising out
4 of the ownership, maintenance, operation, or use of such weapon; to provide for definitions;
5 to provide for proof or evidence of such insurance; to provide for exceptions; to provide for
6 enforcement and penalties; to provide for an affirmative defense; to provide for limitations
7 on such liability insurance; to provide for notification of changes or termination of such
8 liability insurance; to require insurers to submit certain information; to provide for the
9 adoption of rules and regulations; to provide for legislative findings; to provide for related
10 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 The General Assembly finds that:

14 (1) Assault weapons pose a significant threat to public safety in that they allow the user
15 of such weapon to fire multiple rounds of ammunition rapidly;

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16 (2) Such weapons have been used in numerous mass shootings around the nation in the
17 recent past, resulting in the death of large numbers of people, many of whom were
18 children;

19 (3) Such weapon was allegedly used in the shooting that killed two students and two
20 teachers at Apalachee High School in Winder, Georgia on September 4, 2024; and

21 (4) Mandating owners of such weapons to procure and maintain liability insurance will
22 encourage such owners to be more mindful of the risks inherent in owning such weapons
23 and to take actions to ensure such weapons are secured.

24 **SECTION 2.**

25 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
26 amended in Article 4 of Chapter 11, relating to dangerous instrumentalities and practices, by
27 adding a new part to read as follows:

28 "Part 6

29 16-11-180.

30 As used in this part, the term:

31 (1) 'Assault weapon' means a semiautomatic rifle that has the ability to accept a
32 detachable high capacity magazine.

33 (2) 'Assault weapon owner' means any individual in this state who owns one or more
34 assault weapons in this state. Such term shall not include an individual who:

35 (A) Manufactures or transfers an assault weapon;

36 (B) Owns a permanently inoperable assault weapon, provided that such individual
37 demonstrates to law enforcement with jurisdiction over the location at which the
38 individual resides that such weapon cannot be readily restored to firing condition; or

39 (C) Owns a lost or stolen weapon, provided that the loss or theft of such weapon was
40 reported to law enforcement with jurisdiction over the location at which the individual
41 resides within 48 hours of discovery of such loss or theft.

42 (3) 'Claimant' means the injured person, dependent, beneficiary, personal representative
43 of the decedent, or owner of damaged property and the legal representative of such
44 person.

45 (4) 'High capacity magazine' means a device that holds more than ten rounds of
46 ammunition.

47 (5) 'Liability insurance' means insurance against legal liability for the death, injury, or
48 disability of any human being or damage to property, and which provides medical,
49 hospital, surgical, and disability benefits to injured persons and funeral and death benefits
50 to dependents, beneficiaries, or personal representatives of persons killed.

51 16-11-181.

52 (a) No later than January 1, 2026, except as provided for in subsection (d) of this Code
53 section, an assault weapon owner shall procure and maintain in full force and effect
54 liability insurance in an amount not less than \$1 million for death, injury, or disability to
55 a human being and for damage to property per incident arising out of the ownership,
56 maintenance, operation, or use of an assault weapon. An assault weapon owner shall keep
57 proof or evidence of the minimum insurance coverage required by this Code section at the
58 location where such assault weapon is stored and in his or her immediate possession when
59 such owner possesses the covered assault weapon in public.

60 (b) An assault weapon owner shall provide proof or evidence of the minimum insurance
61 coverage required by this Code section to a law enforcement officer upon the request of
62 such officer. Such proof or evidence shall be satisfied by providing in paper or electronic
63 format the insurance policy declarations page provided to such owner.

64 (c) Disclosure of liability insurance policy information under this Code section shall not
65 constitute an admission that the alleged death, injury, or disability of a human being or
66 damage to property is subject to the policy and shall not be admissible as evidence at trial
67 by reason of disclosure.

68 (d) The requirements of this Code section shall not apply to the following individuals
69 owning or possessing an assault weapon while in the official performance of such
70 individual's duties:

71 (1) A peace officer of any duly authorized police agency of this state or of any political
72 subdivision thereof, or a law enforcement officer of any department or agency of the
73 United States who is regularly employed and paid by the United States, this state, or any
74 such political subdivision, or an employee of the Department of Corrections of this state;
75 or

76 (2) A member of the National Guard or of the armed forces of the United States.

77 16-11-182.

78 (a) Any law enforcement officer who has probable cause to believe that an individual is
79 an assault weapon owner shall determine whether such individual has the minimum
80 liability insurance required by Code Section 16-11-181.

81 (b) Except as provided for in subsection (d) of this Code section, any individual who fails
82 to procure and maintain liability insurance in violation of subsection (a) of Code Section
83 16-11-181 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not
84 more than \$100.00 for the first offense and not more than \$1,000.00 for any subsequent
85 offense.

86 (c) Any individual who fails to provide proof or evidence of the minimum insurance
87 coverage as provided for in violation of subsection (b) of Code Section 16-11-181 shall be
88 guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100.00
89 for the first offense and not more than \$1,000.00 for any subsequent offense.

90 (d) It shall be an affirmative defense to prosecution for a violation of subsection (a) of
91 Code Section 16-11-181 if an assault weapon owner can demonstrate to the court that he
92 or she:
93 (1) Applied for and was denied liability insurance by two or more insurers;
94 (2) Qualifies as an indigent person, as defined in Code Section 17-12-2; or
95 (3) Is likely to behave prudently and safely in the ownership, maintenance, operation,
96 use, and storage of the assault weapon as evidenced by:
97 (A) Such owner's general character, responsibility, and fitness or his or her prior
98 personal experience and responsibility in gun ownership; and
99 (B) The possession and use of a gun safe or other secure container to store such assault
100 weapon."

101 SECTION 3.

102 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in
103 Chapter 7, relating to kinds of insurance, limits of risks, and reinsurance, by adding a new
104 Code section to read as follows:

105 "33-7-3.2.

106 (a) Any liability insurance offered, issued, procured, or maintained to satisfy requirements
107 for the ownership of an assault weapon provided for in Part 6 of Article 4 of Chapter 11 of
108 Title 16 shall be limited to unintentional or accidental acts arising out of the ownership,
109 maintenance, operation, or use of an assault weapon. Such insurance shall be provided
110 under a policy or policies, including but not limited to a homeowner's, tenant homeowner's,
111 excess, or umbrella liability policy, from an insurer admitted to do business in this state for
112 the purpose of writing insurance and licensed under this title.

113 (b) An insurer that issues a liability insurance policy as provided for in subsection (a) of
114 this Code section shall not request or require an insured to provide the serial number of or

115 any other information about the specific assault weapon to be covered as a condition of
116 issuing such policy.

117 (c) An insurer that provides a liability insurance policy as provided for in subsection (a)
118 of this Code section shall notify the Commissioner within 30 days of any change in
119 coverage, at least 30 days prior to the termination of the policy by such insurer, and no later
120 than 30 days after the termination of the policy by the insured.

121 (d) Each insurer writing liability insurance as provided for in subsection (a) of this Code
122 section shall submit data showing its direct writing of such liability insurance in this state
123 with the report provided for in Code Section 33-3-21.1.

124 (e) The Commissioner shall adopt rules and regulations as are reasonably necessary to
125 implement this Code section."

126 **SECTION 4.**

127 All laws and parts of laws in conflict with this Act are repealed.