

# SENATE BILL No. 366

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 27-2-17-7.

**Synopsis:** Insurance and firearms. Prohibits a personal lines property or casualty insurer from taking certain actions in connection with the ownership, possession, or use of a firearm by an insurance applicant, insured, or household member.

**Effective:** July 1, 2015.

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January 12, 2015, read first time and referred to Committee on Insurance & Financial Institutions.

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First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 366

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 27-2-17-7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
3 **1, 2015]: Sec. 7. (a) The following apply to an insurer that issues a**  
4 **personal lines property or casualty insurance policy:**  
5 **(1) Subject to subsection (b), the insurer shall not:**  
6 **(A) cancel or refuse to issue or renew the policy; or**  
7 **(B) charge an unfairly discriminatory rate for coverage**  
8 **under the policy;**  
9 **based on the lawful ownership, possession, or use of a firearm**  
10 **or ammunition by an insurance applicant, a named insured,**  
11 **or a household member of an applicant or a named insured.**  
12 **(2) Subject to subsection (c), the insurer shall not disclose to**  
13 **a third party or an affiliate of the insurer any information**  
14 **concerning the lawful ownership, possession, or use of a**  
15 **firearm by an insurance applicant, a named insured, or a**  
16 **household member of an applicant or a named insured,**



- 1 unless:
- 2 (A) the:
- 3 (i) insurer discloses to the applicant or named insured
- 4 the specific need to disclose the information; and
- 5 (ii) applicant or named insured expressly consents to the
- 6 disclosure; or
- 7 (B) the disclosure is necessary for the insurer to:
- 8 (i) quote or bind;
- 9 (ii) continue; or
- 10 (iii) adjust a claim for;
- 11 coverage under the policy.
- 12 (b) Subsection (a)(1) does not prevent the insurer from charging
- 13 a supplemental premium that is not unfairly discriminatory for a
- 14 rider that is voluntarily requested by the insurance applicant or
- 15 the named insured to insure a firearm or a firearm collection that
- 16 has a value that exceeds the standard policy coverage.
- 17 (c) Subsection (a)(2) does not prevent the sharing of information
- 18 between the insurer and the insurer's licensed insurance producer
- 19 if a rider is voluntarily requested by the insurance applicant or the
- 20 named insured to insure a firearm or a firearm collection that has
- 21 a value that exceeds the standard policy coverage.
- 22 (d) If the commissioner finds that an insurer has violated this
- 23 section, the commissioner may, after a hearing, suspend or revoke
- 24 the certificate of authority of the insurer.
- 25 (e) A determination made by the commissioner under this
- 26 section is subject to IC 4-21.5.
- 27 (f) Findings of the department under this section may not be
- 28 considered as evidence in a civil action other than an appeal as
- 29 provided under IC 4-21.5.

