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# OHIO LEGISLATIVE SERVICE COMMISSION

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and Drafting

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S.B. 58  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Sens. Gavarone and Johnson

Samuel Duling, Research Analyst

### SUMMARY

- Prohibits any license, permission, restriction, delay, or process, ordinance, rule, regulation, resolution, practice, or other action or any threat of citation, prosecution, or other legal process from requiring an individual to possess firearm liability insurance or pay a fee for the possession of the firearm, parts, components, ammunition, or a knife.
- Preempts, supersedes, and declares null and void any license, permission, restriction, delay, or process that would require the possession of firearm liability insurance or the payment of a fee for the possession of a firearm, parts, components, ammunition, or a knife.
- Defines “firearm liability insurance” as a policy of liability insurance covering losses resulting from the use of a firearm owned by the person covered by the policy.

### DETAILED ANALYSIS

#### **Requirement of firearm liability insurance or fees prohibited**

The bill prohibits any license, permission, restriction, delay, or process, including by any ordinance, rule, regulation, resolution, practice, or other action or any threat of citation, prosecution, or other legal process from requiring an individual to possess firearm liability insurance or pay a fee for the possession of a firearm, parts, components, ammunition, or a knife. Current law similarly prohibits political subdivisions from all manner of regulating possession or conduct associated with firearms, their parts, components, ammunition, or knives. Furthermore, the bill “preempts, supersedes, and declares null and void any such

further license, permission, restriction, delay, or process” that would require the possession of firearm liability insurance or the payment of such a fee.<sup>1</sup>

The bill allows a person, group, or entity who is affected by a requirement to possess firearm liability insurance or pay a fee for the possession of a firearm, parts, components, ammunition, or a knife to bring a civil action against the political subdivision in order to seek damages, declaratory relief, injunctive relief, or a combination of those remedies. Any damages awarded as a result of such an action must be paid by the offending political subdivision, which must also pay for reasonable expenses either (1) if the plaintiff prevails in the civil action or (2) if the ordinance, rule, regulation, resolution, practice, or action or the manner of enforcement being challenged is repealed or rescinded after the civil action is filed but before a final court determination is made.<sup>2</sup>

Under current law, the prohibition against the regulation of firearms or knives does not apply in areas zoned for residential or agricultural uses. Nor does the prohibition against the regulation of firearms or knives apply to a zoning ordinance that specifies the hours of operation or the geographic areas where the commercial sale of knives, firearms, firearm parts, components, or ammunition may occur, as long as such zoning does not result in a *de facto* prohibition of the commercial sale of such items.

“Firearm liability insurance” is defined in the bill as a policy of liability insurance covering losses resulting from the use of a firearm owned by the person covered by the policy.<sup>3</sup>

## HISTORY

Action	Date
Introduced	02-14-23

ANSB0058IN-135/ks

<sup>1</sup> R.C. 9.68(A).

<sup>2</sup> R.C. 9.68(B).

<sup>3</sup> R.C. 9.68(C).