

# HOUSE BILL REPORT

## HB 1050

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### As Reported By House Committee On:

Law & Justice

**Title:** An act relating to firearms licensing.

**Brief Description:** Revising firearms licensing.

**Sponsors:** Representatives Pennington, McMorris, Mielke, Delvin, Mulliken, Thompson, Hatfield, Boldt, Buck, Schoesler, Sherstad, Smith and Backlund.

**Brief History:**

**Committee Activity:**

Law & Justice: 2/7/97, 2/25/97 [DPS].

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Carrell; Lambert; Radcliff; Sherstad and Skinner.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Cody; Kenney and Lantz.

**Staff:** Bill Perry (786-7123).

**Background: CONCEALED PISTOL LICENSES.** With certain exceptions, a license is required to carry a pistol concealed on the person. No license is required in a person's home or place of business. Additional exceptions are provided for law enforcement and military personnel and for persons traveling to or from or engaging in activities such as target shooting, hunting, fishing, camping, hiking, or horseback riding.

Concealed pistol licenses (CPLs) are issued by local law enforcement agencies and are good for five years. Only persons 21 years old or older and not otherwise disqualified from possessing a firearm may apply for a license. Issuing authorities are to check with various state and federal sources to determine an applicant's eligibility. The state Department of Licensing maintains records of all CPLs issued in the state.

A resident of a city or town may apply for a CPL with that city or town, or with the county. A resident of the unincorporated portion of the county must apply with the county.

Recent History of CPL Fees. Prior to 1994, the fee for an original CPL was \$23. The distribution of that fee was as follows: \$4 to the state general fund, \$4 to the agency taking the fingerprints, \$12 to the issuing authority, and \$3 to the firearms range account.

The issuing authority's \$12 share had remained the same since 1983, when the share was raised from \$1.50. At the same time, the total cost of an original license was raised from \$5 to \$20. In 1988, the total cost was raised to \$23; The additional \$3 was earmarked for the firearms range account.

The pre-1994 fee for a renewal license was \$15, with \$4 distributed to the state general fund, \$8 to the issuing authority, and \$3 to the firearms range account. As with original licenses, the fee for a renewal license was raised \$3 in 1988, with the increase allocated to the firearms range account.

Before 1994, a late fee of \$10 was assessed for a license not renewed within 90 days of expiration. Three dollars of this fee was allocated to the state wildlife fund and \$7 allocated to the issuing authority.

In 1994, all of the concealed pistol licensing fees were increased. An original license fee was increased from \$23 to \$50, to be distributed as follows: \$15 to the state general fund, \$10 to the agency taking the fingerprints, \$15 to the issuing authority, and \$10 to the firearms range account. A renewal license fee was increased from \$15 to \$50, with \$20 to the state general fund, \$20 to the issuing authority, and \$10 to the firearms range account. The late penalty fee was increased to \$20, with \$10 distributed to the state wildlife fund and \$10 to the issuing authority.

As of October 1, 1994, the federal government has begun to charge local issuing authorities a fee of \$24 for each fingerprint check done in connection with a concealed pistol license application.

1995 CPL Fee Changes. In 1995, the Legislature once again adjusted the CPL fee structure. CPL terms and fees were changed to what is now their current status which is outlined below:

- duration of licenses were increased from four years to five years
- cost of an original license was decreased from \$50 to \$36
- the FBI charge for fingerprint checks was passed on to the applicant

- The cost of a renewal license was decreased from \$50 to \$32
- The distribution of fees collected was changed as follows:
  - ì Out of the \$36 original fee
    - \$15 goes to the state general fund
    - \$4 goes to the agency taking the fingerprint
    - \$14 goes to the issuing authority
    - \$3 goes to the state firearms range account
  - ì Out of the \$32 renewal fee:
    - \$15 goes to the state general fund
    - \$14 goes to the issuing authority
    - \$3 goes to the state firearms range account
- The fee for late renewal was decreased from \$20 to \$10 with \$7 of that fee going to the issuing authority and \$3 going to the state wildlife fund
- A \$10 replacement fee was provided for lost or damaged licenses - the fee goes to the issuing authority

This fee structure was not changed in 1996.

**FIREARMS DEALERS' LICENSES.** Generally, separate licenses are required for a dealer to sell pistols, other firearms, and ammunition. However, a single \$125 fee is sufficient to obtain any or all of these licenses. In addition, a person other than a firearms dealer may sell ammunition without a dealer's ammunition license. Firearms dealers are also required to be licensed under federal law. There is no federal ammunition dealer license requirement.

State firearms dealers' licenses are issued by cities, towns, and counties. In order to obtain a dealer's license, a person must be eligible for a CPL and must be eligible to possess a firearm. In addition, an applicant for a dealer's license must have a federal dealer's license and must undergo a background check, including fingerprinting. Each of the three state firearms dealers' licenses is good for one year.

**Summary of Substitute Bill: CONCEALED PISTOL LICENSE.**

The fee for an original five-year CPL is reduced from \$36 to \$26. The \$15 from original license fees that is distributed to the state general fund is reduced to \$5. The fee for a renewal of a CPL is reduced from \$32 to \$22. The \$15 from renewal license fees that is distributed to the state general fund is reduced to \$5.

A resident of the unincorporated part of a county may apply for a CPL anywhere in the county.

**FIREARMS DEALERS' LICENSES.** The requirement for separate pistol or ammunition dealer's licenses is eliminated entirely. The period of a dealer's license is extended from one year to three years. The fee for an original license or a renewal remains at \$125.

A dealer or a dealer's employee who has a CPL need not be fingerprinted nor have a background check done in order for the dealer to be licensed.

A provision is added explicitly requiring local issuing authorities to notify dealers' license applicants in writing whether they have been approved.

**Substitute Bill Compared to Original Bill:** The original bill lowers CPL fees by \$15 and eliminates all \$15 currently distributed to the general fund. The original bill provides for a \$56.25 renewal fee for a dealer's license. The substitute bill exempts dealers and their employees who have CPLs from background checks. The substitute bill allows county residents to apply for a CPL anywhere in the county.

**Appropriation:** None.

**Fiscal Note:** Requested on February 3, 1997.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The firearms licensing procedure shouldn't be used to fund state government. Federal dealers' licenses are valid for three years, and the state's should be also. Licensing of dealers contains duplicative requirements.

**Testimony Against:** None.

**Testified:** Representative Pennington, prime sponsor; Brian Judy, National Rifle Association (pro); Kenneth Estes, citizen (pro); and Don Luther, citizen (with concerns).