
SUBSTITUTE HOUSE BILL 1050

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Pennington, McMorris, Mielke, Delvin, Mulliken, Thompson, Hatfield, Boldt, Buck, Schoesler, Sherstad, Smith and Backlund)

Read first time 02/27/97.

1 AN ACT Relating to firearms licensing; amending RCW 9.41.070 and
2 9.41.110; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.41.070 and 1996 c 295 s 6 are each amended to read
5 as follows:

6 (1) The chief of police of a municipality or the sheriff of a
7 county shall within thirty days after the filing of an application of
8 any person, issue a license to such person to carry a pistol concealed
9 on his or her person within this state for five years from date of
10 issue, for the purposes of protection or while engaged in business,
11 sport, or while traveling. However, if the applicant does not have a
12 valid permanent Washington driver's license or Washington state
13 identification card or has not been a resident of the state for the
14 previous consecutive ninety days, the issuing authority shall have up
15 to sixty days after the filing of the application to issue a license.
16 The issuing authority shall not refuse to accept completed applications
17 for concealed pistol licenses during regular business hours.

18 The applicant's constitutional right to bear arms shall not be
19 denied, unless:

1 (a) He or she is ineligible to possess a firearm under the
2 provisions of RCW 9.41.040 or 9.41.045;

3 (b) The applicant's concealed pistol license is in a revoked
4 status;

5 (c) He or she is under twenty-one years of age;

6 (d) He or she is subject to a court order or injunction regarding
7 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
8 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137,
9 26.50.060, or 26.50.070;

10 (e) He or she is free on bond or personal recognizance pending
11 trial, appeal, or sentencing for a felony offense;

12 (f) He or she has an outstanding warrant for his or her arrest from
13 any court of competent jurisdiction for a felony or misdemeanor; or

14 (g) He or she has been ordered to forfeit a firearm under RCW
15 9.41.098(1)(e) within one year before filing an application to carry a
16 pistol concealed on his or her person.

17 No person convicted of a felony may have his or her right to
18 possess firearms restored or his or her privilege to carry a concealed
19 pistol restored, unless the person has been granted relief from
20 disabilities by the secretary of the treasury under 18 U.S.C. Sec.
21 925(c), or RCW 9.41.040 (3) or (4) applies.

22 (2) The issuing authority shall check with the national crime
23 information center, the Washington state patrol electronic data base,
24 the department of social and health services electronic data base, and
25 with other agencies or resources as appropriate, to determine whether
26 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
27 a firearm and therefore ineligible for a concealed pistol license.
28 This subsection applies whether the applicant is applying for a new
29 concealed pistol license or to renew a concealed pistol license.

30 (3) Any person whose firearms rights have been restricted and who
31 has been granted relief from disabilities by the secretary of the
32 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
33 Sec. 921(a)(20)(A) shall have his or her right to acquire, receive,
34 transfer, ship, transport, carry, and possess firearms in accordance
35 with Washington state law restored except as otherwise prohibited by
36 this chapter.

37 (4) The license application shall bear the full name, residential
38 address, telephone number at the option of the applicant, date and
39 place of birth, race, gender, description, not more than two complete

1 sets of fingerprints, and signature of the licensee, and the licensee's
2 driver's license number or state identification card number if used for
3 identification in applying for the license. A signed application for
4 a concealed pistol license shall constitute a waiver of confidentiality
5 and written request that the department of social and health services,
6 mental health institutions, and other health care facilities release
7 information relevant to the applicant's eligibility for a concealed
8 pistol license to an inquiring court or law enforcement agency.

9 The application for an original license shall include two complete
10 sets of fingerprints to be forwarded to the Washington state patrol.

11 The license and application shall contain a warning substantially
12 as follows:

13 CAUTION: Although state and local laws do not differ, federal
14 law and state law on the possession of firearms differ. If you
15 are prohibited by federal law from possessing a firearm, you
16 may be prosecuted in federal court. A state license is not a
17 defense to a federal prosecution.

18 The license shall contain a description of the major differences
19 between state and federal law and an explanation of the fact that local
20 laws and ordinances on firearms are preempted by state law and must be
21 consistent with state law. The application shall contain questions
22 about the applicant's eligibility under RCW 9.41.040 to possess a
23 pistol, the applicant's place of birth, and whether the applicant is a
24 United States citizen. The applicant shall not be required to produce
25 a birth certificate or other evidence of citizenship. A person who is
26 not a citizen of the United States shall meet the additional
27 requirements of RCW 9.41.170 and produce proof of compliance with RCW
28 9.41.170 upon application. The license shall be in triplicate and in
29 a form to be prescribed by the department of licensing.

30 The original thereof shall be delivered to the licensee, the
31 duplicate shall within seven days be sent to the director of licensing
32 and the triplicate shall be preserved for six years, by the authority
33 issuing the license.

34 The department of licensing shall make available to law enforcement
35 and corrections agencies, in an on-line format, all information
36 received under this subsection.

37 (5) The nonrefundable fee, paid upon application, for the original
38 five-year license shall be (~~thirty-six~~) twenty-six dollars plus

1 additional charges imposed by the Federal Bureau of Investigation that
2 are passed on to the applicant. No other state or local branch or unit
3 of government may impose any additional charges on the applicant for
4 the issuance of the license.

5 The fee shall be distributed as follows:

6 (a) (~~Fifteen~~) Five dollars shall be paid to the state general
7 fund;

8 (b) Four dollars shall be paid to the agency taking the
9 fingerprints of the person licensed;

10 (c) Fourteen dollars shall be paid to the issuing authority for the
11 purpose of enforcing this chapter; and

12 (d) Three dollars to the firearms range account in the general
13 fund.

14 (6) The nonrefundable fee for the renewal of such license shall be
15 (~~thirty-two~~) twenty-two dollars. No other branch or unit of
16 government may impose any additional charges on the applicant for the
17 renewal of the license.

18 The renewal fee shall be distributed as follows:

19 (a) (~~Fifteen~~) Five dollars shall be paid to the state general
20 fund;

21 (b) Fourteen dollars shall be paid to the issuing authority for the
22 purpose of enforcing this chapter; and

23 (c) Three dollars to the firearms range account in the general
24 fund.

25 (7) The nonrefundable fee for replacement of lost or damaged
26 licenses is ten dollars to be paid to the issuing authority.

27 (8) Payment shall be by cash, check, or money order at the option
28 of the applicant. Additional methods of payment may be allowed at the
29 option of the issuing authority.

30 (9) A licensee may renew a license if the licensee applies for
31 renewal within ninety days before or after the expiration date of the
32 license. A license so renewed shall take effect on the expiration date
33 of the prior license. A licensee renewing after the expiration date of
34 the license must pay a late renewal penalty of ten dollars in addition
35 to the renewal fee specified in subsection (6) of this section. The
36 fee shall be distributed as follows:

37 (a) Three dollars shall be deposited in the state wildlife fund and
38 used exclusively for the printing and distribution of a pamphlet on the
39 legal limits of the use of firearms, firearms safety, and the

1 preemptive nature of state law. The pamphlet shall be given to each
2 applicant for a license; and

3 (b) Seven dollars shall be paid to the issuing authority for the
4 purpose of enforcing this chapter.

5 (10) Notwithstanding the requirements of subsections (1) through
6 (9) of this section, the chief of police of the municipality or the
7 sheriff of the county of the applicant's residence may issue a
8 temporary emergency license for good cause pending review under
9 subsection (1) of this section. However, a temporary emergency license
10 issued under this subsection shall not exempt the holder of the license
11 from any records check requirement. Temporary emergency licenses shall
12 be easily distinguishable from regular licenses.

13 (11) A political subdivision of the state shall not modify the
14 requirements of this section or chapter, nor may a political
15 subdivision ask the applicant to voluntarily submit any information not
16 required by this section.

17 (12) A person who knowingly makes a false statement regarding
18 citizenship or identity on an application for a concealed pistol
19 license is guilty of false swearing under RCW 9A.72.040. In addition
20 to any other penalty provided for by law, the concealed pistol license
21 of a person who knowingly makes a false statement shall be revoked, and
22 the person shall be permanently ineligible for a concealed pistol
23 license.

24 (13) A person may apply for a concealed pistol license:

25 (a) To the municipality or to the county in which the applicant
26 resides if the applicant resides in a municipality;

27 (b) To the county in which the applicant resides, or any
28 municipality within the county, if the applicant resides in an
29 unincorporated area; or

30 (c) Anywhere in the state if the applicant is a nonresident.

31 **Sec. 2.** RCW 9.41.110 and 1994 sp.s. c 7 s 416 are each amended to
32 read as follows:

33 (1) No dealer may sell or otherwise transfer, or expose for sale or
34 transfer, or have in his or her possession with intent to sell, or
35 otherwise transfer, any (~~pistol~~) firearm without being licensed as
36 provided in this section.

37 (~~(2) (No dealer may sell or otherwise transfer, or expose for sale~~
38 ~~or transfer, or have in his or her possession with intent to sell, or~~

1 otherwise transfer, any firearm other than a pistol without being
2 licensed as provided in this section)) The retail sale of ammunition,
3 whether by a dealer or any other person, does not require a license.

4 (3) (~~No dealer may sell or otherwise transfer, or expose for sale~~
5 ~~or transfer, or have in his or her possession with intent to sell, or~~
6 ~~otherwise transfer, any ammunition without being licensed as provided~~
7 ~~in this section.~~

8 (4)) The duly constituted licensing authorities of any city, town,
9 or political subdivision of this state shall grant licenses in forms
10 prescribed by the director of licensing effective for not more than
11 ((one)) three years from the date of issue permitting the licensee to
12 sell firearms within this state subject to the following conditions,
13 for breach of any of which the license shall be forfeited and the
14 licensee subject to punishment as provided in RCW 9.41.010 through
15 9.41.810. A licensing authority shall forward a copy of each license
16 granted to the department of licensing. The department of licensing
17 shall notify the department of revenue of the name and address of each
18 dealer licensed under this section.

19 ((+5)) (4)(a) A licensing authority shall, within thirty days
20 after the filing of an application of any person for a dealer's
21 license, (~~determine whether to grant the license~~) notify the
22 applicant in writing whether the application is granted. However, if
23 the applicant does not have a valid permanent Washington driver's
24 license or Washington state identification card, or has not been a
25 resident of the state for the previous consecutive ninety days, the
26 licensing authority shall have up to sixty days to (~~determine whether~~
27 ~~to issue a license~~) notify the applicant in writing whether the
28 application is granted. No person shall qualify for a license under
29 this section without first receiving a federal firearms license and
30 undergoing fingerprinting and a background check. An applicant who
31 possesses a current Washington concealed pistol license issued on or
32 after July 1, 1996, is not required to undergo an additional
33 fingerprint and background check. In addition, no person ineligible to
34 possess a firearm under RCW 9.41.040 or ineligible for a concealed
35 pistol license under RCW 9.41.070 shall qualify for a dealer's license.

36 (b) A dealer shall require every employee who may sell a firearm in
37 the course of his or her employment to undergo fingerprinting and a
38 background check, unless the employee possesses a current Washington
39 concealed pistol license issued on or after July 1, 1996. An employee

1 with a current concealed pistol license is exempt from further
2 fingerprint or background checks as long as the employee's concealed
3 pistol license remains current. An employee must be eligible to
4 possess a firearm, and must not have been convicted of a crime that
5 would make the person ineligible for a concealed pistol license, before
6 being permitted to sell a firearm. Every employee shall comply with
7 requirements concerning purchase applications and restrictions on
8 delivery of pistols that are applicable to dealers.

9 ~~((+6+))~~ (5)(a) Except as otherwise provided in (b) of this
10 subsection, the business shall be carried on only in the building
11 designated in the license. For the purpose of this section,
12 advertising firearms for sale shall not be considered the carrying on
13 of business.

14 (b) A dealer may conduct business temporarily at a location other
15 than the building designated in the license, if the temporary location
16 is within Washington state and is the location of a gun show sponsored
17 by a national, state, or local organization, or an affiliate of any
18 such organization, devoted to the collection, competitive use, or other
19 sporting use of firearms in the community. Nothing in this subsection
20 ~~((+6+))~~ (5)(b) authorizes a dealer to conduct business in or from a
21 motorized or towed vehicle.

22 In conducting business temporarily at a location other than the
23 building designated in the license, the dealer shall comply with all
24 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and
25 9.41.110. The license of a dealer who fails to comply with the
26 requirements of RCW 9.41.080 and 9.41.090 and subsection ~~((+8+))~~ (7) of
27 this section while conducting business at a temporary location shall be
28 revoked, and the dealer shall be permanently ineligible for a dealer's
29 license.

30 ~~((+7+))~~ (6) The license or a copy thereof, certified by the issuing
31 authority, shall be displayed on the premises in the area where
32 firearms are sold, or at the temporary location, where it can easily be
33 read.

34 ~~((+8+))~~ (7)(a) No pistol may be sold: (i) In violation of any
35 provisions of RCW 9.41.010 through 9.41.810; nor (ii) may a pistol be
36 sold under any circumstances unless the purchaser is personally known
37 to the dealer or shall present clear evidence of his or her identity.

38 (b) A dealer who sells or delivers any firearm in violation of RCW
39 9.41.080 is guilty of a class C felony. In addition to any other

1 penalty provided for by law, the dealer is subject to mandatory
2 permanent revocation of his or her dealer's license and permanent
3 ineligibility for a dealer's license.

4 (c) The license fee for (~~pistols shall be one hundred twenty five~~
5 ~~dollars. The license fee for firearms other than pistols shall be one~~
6 ~~hundred twenty five dollars. The license fee for ammunition shall be~~
7 ~~one hundred twenty five dollars. Any dealer who obtains any license~~
8 ~~under subsection (1), (2), or (3) of this section may also obtain the~~
9 ~~remaining licenses without payment of any fee)) a firearms dealer's
10 license shall be one hundred twenty-five dollars for a period of three
11 years, renewable thereafter upon payment of a renewal fee of one
12 hundred twenty-five dollars for each successive three-year period. The
13 fees received under this section shall be deposited in the account
14 created under RCW 69.50.520.~~

15 (~~(+9+))~~ (8)(a) A true record in triplicate shall be made of every
16 pistol sold, in a book kept for the purpose, the form of which may be
17 prescribed by the director of licensing and shall be personally signed
18 by the purchaser and by the person effecting the sale, each in the
19 presence of the other, and shall contain the date of sale, the caliber,
20 make, model and manufacturer's number of the weapon, the name, address,
21 occupation, and place of birth of the purchaser and a statement signed
22 by the purchaser that he or she is not ineligible under RCW 9.41.040 to
23 possess a firearm.

24 (b) One copy shall within six hours be sent by certified mail to
25 the chief of police of the municipality or the sheriff of the county of
26 which the purchaser is a resident; the duplicate the dealer shall
27 within seven days send to the director of licensing; the triplicate the
28 dealer shall retain for six years.

29 (~~(+10+))~~ (9) Subsections (2) through (~~(+9+))~~ (8) of this section
30 shall not apply to sales at wholesale.

31 (~~(+11+))~~ (10) The dealer's licenses authorized to be issued by this
32 section are general licenses covering all sales by the licensee within
33 the effective period of the licenses. The department shall provide a
34 single application form for dealer's licenses and a single license form
35 which shall indicate the type or types of licenses granted.

36 (~~(+12+))~~ (11) Except as provided in RCW 9.41.090, every city, town,
37 and political subdivision of this state is prohibited from requiring

- 1 the purchaser to secure a permit to purchase or from requiring the
- 2 dealer to secure an individual permit for each sale.

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