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SENATE BILL 6476

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State of Washington

65th Legislature

2018 Regular Session

By Senators Wagoner, Rivers, Fortunato, Angel, Takko, Wilson, Schoesler, Zeiger, Ericksen, Braun, Warnick, Becker, Short, Brown, Padden, Sheldon, Honeyford, Bailey, and Van De Wege

Read first time 01/19/18. Referred to Committee on Law & Justice.

1 AN ACT Relating to establishing an exemption from background  
2 check requirements for firearms sales or transfers between concealed  
3 pistol license holders; and amending RCW 9.41.113.

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

5 **Sec. 1.** RCW 9.41.113 and 2017 c 264 s 2 are each amended to read  
6 as follows:

7 (1) All firearm sales or transfers, in whole or part in this  
8 state including without limitation a sale or transfer where either  
9 the purchaser or seller or transferee or transferor is in Washington,  
10 shall be subject to background checks unless specifically exempted by  
11 state or federal law. The background check requirement applies to all  
12 sales or transfers including, but not limited to, sales and transfers  
13 through a licensed dealer, at gun shows, online, and between  
14 unlicensed persons.

15 (2) No person shall sell or transfer a firearm unless:

16 (a) The person is a licensed dealer;

17 (b) The purchaser or transferee is a licensed dealer; or

18 (c) The requirements of subsection (3) of this section are met.

19 (3) Where neither party to a prospective firearms transaction is  
20 a licensed dealer, the parties to the transaction shall complete the  
21 sale or transfer through a licensed dealer as follows:

1 (a) The seller or transferor shall deliver the firearm to a  
2 licensed dealer to process the sale or transfer as if it is selling  
3 or transferring the firearm from its inventory to the purchaser or  
4 transferee, except that the unlicensed seller or transferor may  
5 remove the firearm from the business premises of the licensed dealer  
6 while the background check is being conducted. If the seller or  
7 transferor removes the firearm from the business premises of the  
8 licensed dealer while the background check is being conducted, the  
9 purchaser or transferee and the seller or transferor shall return to  
10 the business premises of the licensed dealer and the seller or  
11 transferor shall again deliver the firearm to the licensed dealer  
12 prior to completing the sale or transfer.

13 (b) Except as provided in (a) of this subsection, the licensed  
14 dealer shall comply with all requirements of federal and state law  
15 that would apply if the licensed dealer were selling or transferring  
16 the firearm from its inventory to the purchaser or transferee,  
17 including but not limited to conducting a background check on the  
18 prospective purchaser or transferee in accordance with federal and  
19 state law requirements and fulfilling all federal and state  
20 recordkeeping requirements.

21 (c) The purchaser or transferee must complete, sign, and submit  
22 all federal, state, and local forms necessary to process the required  
23 background check to the licensed dealer conducting the background  
24 check.

25 (d) If the results of the background check indicate that the  
26 purchaser or transferee is ineligible to possess a firearm, then the  
27 licensed dealer shall return the firearm to the seller or transferor.

28 (e) The licensed dealer may charge a fee that reflects the fair  
29 market value of the administrative costs and efforts incurred by the  
30 licensed dealer for facilitating the sale or transfer of the firearm.

31 (4) This section does not apply to:

32 (a) A transfer between immediate family members, which for this  
33 subsection shall be limited to spouses, domestic partners, parents,  
34 parents-in-law, children, siblings, siblings-in-law, grandparents,  
35 grandchildren, nieces, nephews, first cousins, aunts, and uncles,  
36 that is a bona fide gift or loan;

37 (b) The sale or transfer of an antique firearm;

38 (c) A temporary transfer of possession of a firearm if such  
39 transfer is necessary to prevent imminent death or great bodily harm  
40 to the person to whom the firearm is transferred if:

1 (i) The temporary transfer only lasts as long as immediately  
2 necessary to prevent such imminent death or great bodily harm; and  
3 (ii) The person to whom the firearm is transferred is not  
4 prohibited from possessing firearms under state or federal law;  
5 (d) A temporary transfer of possession of a firearm if: (i) The  
6 transfer is intended to prevent suicide or self-inflicted great  
7 bodily harm; (ii) the transfer lasts only as long as reasonably  
8 necessary to prevent death or great bodily harm; and (iii) the  
9 firearm is not utilized by the transferee for any purpose for the  
10 duration of the temporary transfer;  
11 (e) Any law enforcement or corrections agency and, to the extent  
12 the person is acting within the course and scope of his or her  
13 employment or official duties, any law enforcement or corrections  
14 officer, United States marshal, member of the armed forces of the  
15 United States or the national guard, or federal official;  
16 (f) A federally licensed gunsmith who receives a firearm solely  
17 for the purposes of service or repair, or the return of the firearm  
18 to its owner by the federally licensed gunsmith;  
19 (g) The temporary transfer of a firearm (i) between spouses or  
20 domestic partners; (ii) if the temporary transfer occurs, and the  
21 firearm is kept at all times, at an established shooting range  
22 authorized by the governing body of the jurisdiction in which such  
23 range is located; (iii) if the temporary transfer occurs and the  
24 transferee's possession of the firearm is exclusively at a lawful  
25 organized competition involving the use of a firearm, or while  
26 participating in or practicing for a performance by an organized  
27 group that uses firearms as a part of the performance; (iv) to a  
28 person who is under eighteen years of age for lawful hunting,  
29 sporting, or educational purposes while under the direct supervision  
30 and control of a responsible adult who is not prohibited from  
31 possessing firearms; (v) under circumstances in which the transferee  
32 and the firearm remain in the presence of the transferor; or (vi)  
33 while hunting if the hunting is legal in all places where the person  
34 to whom the firearm is transferred possesses the firearm and the  
35 person to whom the firearm is transferred has completed all training  
36 and holds all licenses or permits required for such hunting, provided  
37 that any temporary transfer allowed by this subsection is permitted  
38 only if the person to whom the firearm is transferred is not  
39 prohibited from possessing firearms under state or federal law;

1 (h) A person who (i) acquired a firearm other than a pistol by  
2 operation of law upon the death of the former owner of the firearm or  
3 (ii) acquired a pistol by operation of law upon the death of the  
4 former owner of the pistol within the preceding sixty days. At the  
5 end of the sixty-day period, the person must either have lawfully  
6 transferred the pistol or must have contacted the department of  
7 licensing to notify the department that he or she has possession of  
8 the pistol and intends to retain possession of the pistol, in  
9 compliance with all federal and state laws; ((e))

10 (i) A sale or transfer when the purchaser or transferee is a  
11 licensed collector and the firearm being sold or transferred is a  
12 curio or relic; or

13 (j) The sale or transfer of a firearm where the seller or  
14 transferor and the purchaser or transferee both possess a valid  
15 concealed pistol license.

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