
HOUSE BILL 2350

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By Representatives Radcliff, McMorris, Campbell, Koster, Thompson, D. Schmidt, Blanton, Schoesler, Honeyford, Johnson, D. Sommers, Hargrove, Sheldon, Smith, Pennington, Mulliken and McMahan

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1 AN ACT Relating to records of pistol purchases or transfers;
2 amending RCW 9.41.129 and 9.41.110; and reenacting and amending RCW
3 9.41.090.

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

5 **Sec. 1.** RCW 9.41.129 and 1994 sp.s. c 7 s 417 are each amended to
6 read as follows:

7 The department of licensing may keep copies or records of
8 applications for concealed pistol licenses provided for in RCW
9 9.41.070(~~(7)~~) and copies or records of applications for alien firearm
10 licenses(~~(, copies or records of applications to purchase pistols~~
11 ~~provided for in RCW 9.41.090, and copies or records of pistol transfers~~
12 ~~provided for in RCW 9.41.110)~~). The copies and records shall not be
13 disclosed except as provided in RCW 42.17.318.

14 **Sec. 2.** RCW 9.41.090 and 1994 sp.s. c 7 s 410 and 1994 c 264 s 1
15 are each reenacted and amended to read as follows:

16 (1) In addition to the other requirements of this chapter, no
17 dealer may deliver a pistol to the purchaser thereof until:

1 (a) The purchaser produces a valid concealed pistol license and the
2 dealer has recorded the purchaser's name, license number, and issuing
3 agency, such record to be made in (~~triplicate~~) duplicate and
4 processed as provided in subsection (5) of this section;

5 (b) The dealer is notified in writing by the chief of police or the
6 sheriff of the jurisdiction in which the purchaser resides that the
7 purchaser is eligible to possess a pistol under RCW 9.41.040 and that
8 the application to purchase is approved by the chief of police or
9 sheriff; or

10 (c) Five business days, meaning days on which state offices are
11 open, have elapsed from the time of receipt of the application for the
12 purchase thereof as provided herein by the chief of police or sheriff
13 designated in subsection (5) of this section, and, when delivered, the
14 pistol shall be securely wrapped and shall be unloaded. However, if
15 the purchaser does not have a valid permanent Washington driver's
16 license or state identification card or has not been a resident of the
17 state for the previous consecutive ninety days, the waiting period
18 under this subsection (1)(c) shall be up to sixty days.

19 (2)(a) Except as provided in (b) of this subsection, in determining
20 whether the purchaser meets the requirements of RCW 9.41.040, the chief
21 of police or sheriff, or the designee of either, shall check with the
22 national crime information center, the Washington state patrol
23 electronic data base, the department of social and health services
24 electronic data base, and with other agencies or resources as
25 appropriate, to determine whether the applicant is ineligible under RCW
26 9.41.040 to possess a firearm.

27 (b) Once the system is established, a dealer shall use the national
28 instant criminal background check system, provided for by the Brady
29 Handgun Control Act (H.R. 1025, 103rd Cong., 1st Sess. (1993)), to make
30 criminal background checks of applicants to purchase firearms.
31 However, a chief of police or sheriff, or a designee of either, shall
32 continue to check the department of social and health services'
33 electronic data base and with other agencies or resources as
34 appropriate, to determine whether applicants are ineligible under RCW
35 9.41.040 to possess a firearm.

36 (3) In any case under subsection (1)(c) of this section where the
37 applicant has an outstanding warrant for his or her arrest from any
38 court of competent jurisdiction for a felony or misdemeanor, the dealer
39 shall hold the delivery of the pistol until the warrant for arrest is

1 served and satisfied by appropriate court appearance. The local
2 jurisdiction for purposes of the sale shall confirm the existence of
3 outstanding warrants within seventy-two hours after notification of the
4 application to purchase a pistol is received. The local jurisdiction
5 shall also immediately confirm the satisfaction of the warrant on
6 request of the dealer so that the hold may be released if the warrant
7 was for an offense other than an offense making a person ineligible
8 under RCW 9.41.040 to possess a pistol.

9 (4) In any case where the chief or sheriff of the local
10 jurisdiction has reasonable grounds based on the following
11 circumstances: (a) Open criminal charges, (b) pending criminal
12 proceedings, (c) pending commitment proceedings, (d) an outstanding
13 warrant for an offense making a person ineligible under RCW 9.41.040 to
14 possess a pistol, or (e) an arrest for an offense making a person
15 ineligible under RCW 9.41.040 to possess a pistol, if the records of
16 disposition have not yet been reported or entered sufficiently to
17 determine eligibility to purchase a pistol, the local jurisdiction may
18 hold the sale and delivery of the pistol beyond five days up to thirty
19 days in order to confirm existing records in this state or elsewhere.
20 After thirty days, the hold will be lifted unless an extension of the
21 thirty days is approved by a local district court or municipal court
22 for good cause shown. An applicant shall be notified of each hold
23 placed on the sale by local law enforcement and of any application to
24 the court for additional hold period to confirm records or confirm the
25 identity of the applicant.

26 (5) At the time of applying for the purchase of a pistol, the
27 purchaser shall sign in (~~triplicate~~) duplicate and deliver to the
28 dealer an application containing his or her full name, street address,
29 date and place of birth, race, and gender; the date and hour of the
30 application; the applicant's driver's license number or state
31 identification card number; a description of the pistol including the
32 make, model, caliber and manufacturer's number; and a statement that
33 the purchaser is eligible to possess a pistol under RCW 9.41.040.

34 The application shall contain a warning substantially as follows:

35 CAUTION: Although state and local laws do not differ, federal
36 law and state law on the possession of firearms differ. If you
37 are prohibited by federal law from possessing a firearm, you
38 may be prosecuted in federal court. State permission to
39 purchase a firearm is not a defense to a federal prosecution.

1 The purchaser shall be given a copy of the department of fish and
2 wildlife pamphlet on the legal limits of the use of firearms, firearms
3 safety, and the fact that local laws and ordinances on firearms are
4 preempted by state law and must be consistent with state law.

5 The dealer shall, by the end of the business day, sign and attach
6 his or her address and deliver the original of the application and such
7 other documentation as required under subsection (1) of this section to
8 the chief of police of the municipality or the sheriff of the county of
9 which the purchaser is a resident. The dealer shall deliver the pistol
10 to the purchaser following the period of time specified in this section
11 unless the dealer is notified in writing by the chief of police of the
12 municipality or the sheriff of the county, whichever is applicable,
13 denying the purchaser's application to purchase and the grounds
14 thereof. The application shall not be denied unless the purchaser is
15 not eligible to possess a pistol under RCW 9.41.040.

16 The chief of police of the municipality or the sheriff of the
17 county shall retain or destroy applications to purchase a pistol in
18 accordance with the requirements of 18 U.S.C. Sec. 922.

19 (6) A person who knowingly makes a false statement regarding
20 identity or eligibility requirements on the application to purchase a
21 pistol is guilty of false swearing under RCW 9A.72.040.

22 (7) This section does not apply to sales to licensed dealers for
23 resale or to the sale of antique firearms.

24 **Sec. 3.** RCW 9.41.110 and 1994 sp.s. c 7 s 416 are each amended to
25 read as follows:

26 (1) No dealer may sell or otherwise transfer, or expose for sale or
27 transfer, or have in his or her possession with intent to sell, or
28 otherwise transfer, any pistol without being licensed as provided in
29 this section.

30 (2) No dealer may sell or otherwise transfer, or expose for sale
31 or transfer, or have in his or her possession with intent to sell, or
32 otherwise transfer, any firearm other than a pistol without being
33 licensed as provided in this section.

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

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

12 (5)(a) A licensing authority shall, within thirty days after the
13 filing of an application of any person for a dealer's license,
14 determine whether to grant the license. However, if the applicant does
15 not have a valid permanent Washington driver's license or Washington
16 state identification card, or has not been a resident of the state for
17 the previous consecutive ninety days, the licensing authority shall
18 have up to sixty days to determine whether to issue a license. No
19 person shall qualify for a license under this section without first
20 receiving a federal firearms license and undergoing fingerprinting and
21 a background check. In addition, no person ineligible to possess a
22 firearm under RCW 9.41.040 or ineligible for a concealed pistol license
23 under RCW 9.41.070 shall qualify for a dealer's license.

24 (b) A dealer shall require every employee who may sell a firearm in
25 the course of his or her employment to undergo fingerprinting and a
26 background check. An employee must be eligible to possess a firearm,
27 and must not have been convicted of a crime that would make the person
28 ineligible for a concealed pistol license, before being permitted to
29 sell a firearm. Every employee shall comply with requirements
30 concerning purchase applications and restrictions on delivery of
31 pistols that are applicable to dealers.

32 (6)(a) Except as otherwise provided in (b) of this subsection, the
33 business shall be carried on only in the building designated in the
34 license. For the purpose of this section, advertising firearms for
35 sale shall not be considered the carrying on of business.

36 (b) A dealer may conduct business temporarily at a location other
37 than the building designated in the license, if the temporary location
38 is within Washington state and is the location of a gun show sponsored
39 by a national, state, or local organization, or an affiliate of any

1 such organization, devoted to the collection, competitive use, or other
2 sporting use of firearms in the community. Nothing in this subsection
3 (6)(b) authorizes a dealer to conduct business in or from a motorized
4 or towed vehicle.

5 In conducting business temporarily at a location other than the
6 building designated in the license, the dealer shall comply with all
7 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and
8 9.41.110. The license of a dealer who fails to comply with the
9 requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this
10 section while conducting business at a temporary location shall be
11 revoked, and the dealer shall be permanently ineligible for a dealer's
12 license.

13 (7) The license or a copy thereof, certified by the issuing
14 authority, shall be displayed on the premises in the area where
15 firearms are sold, or at the temporary location, where it can easily be
16 read.

17 (8)(a) No pistol may be sold: (i) In violation of any provisions
18 of RCW 9.41.010 through 9.41.810; nor (ii) may a pistol be sold under
19 any circumstances unless the purchaser is personally known to the
20 dealer or shall present clear evidence of his or her identity.

21 (b) A dealer who sells or delivers any firearm in violation of RCW
22 9.41.080 is guilty of a class C felony. In addition to any other
23 penalty provided for by law, the dealer is subject to mandatory
24 permanent revocation of his or her dealer's license and permanent
25 ineligibility for a dealer's license.

26 (c) The license fee for pistols shall be one hundred twenty-five
27 dollars. The license fee for firearms other than pistols shall be one
28 hundred twenty-five dollars. The license fee for ammunition shall be
29 one hundred twenty-five dollars. Any dealer who obtains any license
30 under subsection (1), (2), or (3) of this section may also obtain the
31 remaining licenses without payment of any fee. The fees received under
32 this section shall be deposited in the account under RCW 69.50.520.

33 (9)(a) A true record in (~~(triplicate)~~) duplicate shall be made of
34 every pistol sold, in a book kept for the purpose, (~~(the form of which~~
35 ~~may be prescribed by the director of licensing and)~~) shall be
36 personally signed by the purchaser and by the person effecting the
37 sale, each in the presence of the other, and shall contain the date of
38 sale, the caliber, make, model and manufacturer's number of the weapon,
39 the name, address, occupation, and place of birth of the purchaser, and

1 a statement signed by the purchaser that he or she is not ineligible
2 under RCW 9.41.040 to possess a firearm.

3 (b) One copy shall within six hours be sent by certified mail to
4 the chief of police of the municipality or the sheriff of the county of
5 which the purchaser is a resident(~~(; the duplicate the dealer shall~~
6 ~~within seven days send to the director of licensing)); the~~
7 ~~((triplicate)) duplicate the dealer shall retain for six years.~~

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

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

15 (12) Except as provided in RCW 9.41.090, every city, town, and
16 political subdivision of this state is prohibited from requiring the
17 purchaser to secure a permit to purchase or from requiring the dealer
18 to secure an individual permit for each sale.

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