

**SHB 2118 - H AMD 837**

By Representative Walen

**ADOPTED AS AMENDED 02/12/2024**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 9.41.110 and 2023 c 161 s 8 are each amended to  
4 read as follows:

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

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

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

17 (4) The duly constituted licensing authorities of any city, town,  
18 or political subdivision of this state shall grant licenses in forms  
19 prescribed by the director of licensing effective for not more than  
20 one year from the date of issue permitting the licensee to sell  
21 firearms within this state subject to the following conditions, for  
22 breach of any of which the license shall be forfeited and the  
23 licensee subject to punishment as provided in this chapter. A  
24 licensing authority shall forward a copy of each license granted to  
25 the department of licensing. The department of licensing shall notify  
26 the department of revenue of the name and address of each dealer  
27 licensed under this section. Any law enforcement agency acting within  
28 the scope of its jurisdiction may investigate a breach of the  
29 licensing conditions established in this chapter.

30 (5) (a) A licensing authority shall, within (~~thirty~~) 30 days  
31 after the filing of an application of any person for a dealer's  
32 license, determine whether to grant the license. However, if the

1 applicant does not have a valid permanent Washington driver's license  
2 or Washington state identification card, or has not been a resident  
3 of the state for the previous consecutive (~~ninety~~) 90 days, the  
4 licensing authority shall have up to (~~sixty~~) 60 days to determine  
5 whether to issue a license. No person shall qualify for a license  
6 under this section without first receiving a federal firearms license  
7 and undergoing fingerprinting and a background check. In addition, no  
8 person ineligible to possess a firearm under RCW 9.41.040 or  
9 ineligible for a concealed pistol license under RCW 9.41.070 shall  
10 qualify for a dealer's license.

11 (b) A dealer shall require every employee who may sell a firearm  
12 in the course of his or her employment to undergo fingerprinting and  
13 a background check in advance of engaging in the sale or transfer of  
14 firearms and to undergo a background check annually thereafter. An  
15 employee must be at least 21 years of age, eligible to possess a  
16 firearm, and must not have been convicted of a crime that would make  
17 the person ineligible for a concealed pistol license, before being  
18 permitted to sell a firearm. Every employee shall comply with  
19 requirements concerning purchase applications and restrictions on  
20 delivery of firearms that are applicable to dealers.

21 (6) As a condition of licensure, a dealer shall annually certify  
22 to the licensing authority, in writing and under penalty of perjury,  
23 that the dealer is in compliance with each licensure requirement  
24 established in this section.

25 (7)(a) Except as otherwise provided in (b) of this subsection,  
26 the business shall be carried on only in the building designated in  
27 the license. For the purpose of this section, advertising firearms  
28 for sale shall not be considered the carrying on of business.

29 (b) A dealer may conduct business temporarily at a location other  
30 than the building designated in the license, if the temporary  
31 location is within Washington state and is the location of a gun show  
32 sponsored by a national, state, or local organization, or an  
33 affiliate of any such organization, devoted to the collection,  
34 competitive use, or other sporting use of firearms in the community.  
35 Nothing in this subsection (~~(6)~~) (7)(b) authorizes a dealer to  
36 conduct business in or from a motorized or towed vehicle.

37 In conducting business temporarily at a location other than the  
38 building designated in the license, the dealer shall comply with all  
39 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and  
40 this section. The license of a dealer who fails to comply with the

1 requirements of RCW 9.41.080 and 9.41.090 and subsection ~~((8))~~ (16)  
2 of this section while conducting business at a temporary location  
3 shall be revoked, and the dealer shall be permanently ineligible for  
4 a dealer's license.

5 ~~((7))~~ (8) The license or a copy thereof, certified by the  
6 issuing authority, shall be displayed on the premises in the area  
7 where firearms are sold, or at the temporary location, where it can  
8 easily be read.

9 ~~((8))~~ (9)(a) The business building location designated in the  
10 license shall be secured:

11 (i) With at least one of the following features designed to  
12 prevent unauthorized entry, which must be installed on each exterior  
13 door and window of the place of business:

14 (A) Bars or grates;

15 (B) Security screens; or

16 (C) Commercial grade metal doors; and

17 (ii) With a security alarm system that is:

18 (A) Properly installed and maintained in good condition;

19 (B) Monitored by a remote central station that can contact law  
20 enforcement in the event of an alarm;

21 (C) Capable of real-time monitoring of all exterior doors and  
22 windows, and all areas where firearms are stored; and

23 (D) Equipped with, at minimum, detectors that can perceive entry,  
24 motion, and sound.

25 (b) It is not a violation of this subsection if any security  
26 feature or system becomes temporarily inoperable through no fault of  
27 the dealer.

28 (10)(a) Dealers shall secure each firearm during business hours,  
29 except when the firearm is being shown to a customer, repaired, or  
30 otherwise worked on, in a manner that prevents a customer or other  
31 member of the public from accessing or using the firearm, which may  
32 include keeping the firearm in a locked container or in a locked  
33 display case.

34 (b) Other than during business hours, all firearms shall be  
35 secured (i) on the dealer's business premises in a locked fireproof  
36 safe or vault, (ii) in a room or building that meets all requirements  
37 of subsection (9)(a) of this section, or (iii) in a secured and  
38 locked area under the dealer's control while the dealer is conducting  
39 business at a temporary location.

1 (11)(a) A dealer shall ensure that its business location  
2 designated in the license is monitored by a digital video  
3 surveillance system that meets all of the following requirements:

4 (i) The system shall clearly record images and, for systems  
5 located inside the premises, audio, of the area under surveillance;

6 (ii) Each camera shall be permanently mounted in a fixed  
7 location. Cameras shall be placed in locations that allow the camera  
8 to clearly record activity occurring in all areas described in  
9 (a)(iii) of this subsection and reasonably produce recordings that  
10 allow for the clear identification of any person;

11 (iii) The areas recorded shall include, but are not limited to,  
12 all of the following:

13 (A) Interior views of all exterior doors, windows, and any other  
14 entries or exits to the premises;

15 (B) All areas where firearms are displayed; and

16 (C) All points of sale, sufficient to identify the parties  
17 involved in the transaction;

18 (iv) The system shall be capable of recording 24 hours per day at  
19 a frame rate no less than 15 frames per second, and must either (A)  
20 record continuously or (B) be activated by motion and remain active  
21 for at least 15 seconds after motion ceases to be detected;

22 (v) The media or device on which recordings are stored shall be  
23 secured in a manner to protect the recording from tampering,  
24 unauthorized access or use, or theft;

25 (vi) Recordings shall be maintained for a minimum of two years;

26 (vii) Recorded images shall clearly and accurately display the  
27 date and time;

28 (viii) The system shall be equipped with a failure notification  
29 system that provides notification to the licensee of any interruption  
30 or failure of the system or storage device.

31 (b) A licensed dealer shall not use, share, allow access to, or  
32 otherwise release surveillance recordings, to any person except as  
33 follows:

34 (i) A dealer shall allow access to the system or release  
35 recordings to any person pursuant to search warrant or other court  
36 order.

37 (ii) A dealer may allow access to the system or release  
38 recordings to any person in response to an insurance claim or as part  
39 of the civil discovery process including, but not limited to, in

1 response to subpoenas, request for production or inspection, or other  
2 court order.

3 (c) The dealer shall post a sign in a conspicuous place at each  
4 entrance to the premises that states in block letters not less than  
5 one inch in height: "THESE PREMISES ARE UNDER VIDEO AND AUDIO  
6 SURVEILLANCE. YOUR IMAGE AND CONVERSATIONS MAY BE RECORDED."

7 (d) This section does not preclude any local authority or local  
8 governing body from adopting or enforcing local laws or policies  
9 regarding video surveillance that do not contradict or conflict with  
10 the requirements of this section.

11 (e) It is not a violation of this subsection if the surveillance  
12 system becomes temporarily inoperable through no fault of the dealer.

13 (12) A dealer shall:

14 (a) Promptly review and respond to all requests from law  
15 enforcement agencies and officers, including trace requests and  
16 requests for documents and records, as soon as practicably possible  
17 and no later than 24 hours after learning of the request;

18 (b) Promptly notify local law enforcement agencies and the bureau  
19 of alcohol, tobacco, firearms and explosives of any loss, theft, or  
20 unlawful transfer of any firearm or ammunition as soon as practicably  
21 possible and no later than 24 hours after the dealer knows or should  
22 know of the reportable event.

23 (13) A dealer shall:

24 (a) Establish and maintain a book, or if the dealer should  
25 choose, an electronic-based record of purchase, sale, inventory, and  
26 other records at the dealer's place of business and shall make all  
27 such records available to law enforcement upon request. Such records  
28 shall at a minimum include the make, model, caliber or gauge,  
29 manufacturer's name, and serial number of all firearms that are  
30 acquired or disposed of not later than one business day after their  
31 acquisition or disposition;

32 (b) Maintain monthly backups of the records required by (a) of  
33 this subsection in a secure container designed to prevent loss by  
34 fire, theft, or flood. If the dealer chooses to maintain an  
35 electronic-based record system, those records shall be backed up on  
36 an external server or over the internet at the close of each business  
37 day;

38 (c) Account for all firearms acquired but not yet disposed of  
39 through an inventory check prepared each month and maintained in a  
40 secure location;

1 (d) Maintain and make available at any time to government law  
2 enforcement agencies and to the manufacturer of the weapon or its  
3 designee, firearm disposition information, including the serial  
4 numbers of firearms sold, dates of sale, and identity of purchasers;

5 (e) Retain all bureau of alcohol, tobacco, firearms and  
6 explosives form 4473 transaction records on the dealer's business  
7 premises in a secure container designed to prevent loss by fire,  
8 theft, or flood;

9 (f) Maintain for six years copies of trace requests received,  
10 including notations for trace requests received by phone for six  
11 years;

12 (g) Provide annual reporting to the Washington state attorney  
13 general concerning trace requests, including at a minimum the  
14 following:

15 (i) The total number of trace requests received;

16 (ii) For each trace, the make and model of the gun and date of  
17 sale; and

18 (iii) Whether the dealer was inspected by the bureau of alcohol,  
19 tobacco, firearms and explosives, and copies of any reports of  
20 violations or letters received from the bureau of alcohol, tobacco,  
21 firearms and explosives.

22 (14) The attorney general may create, publish, and require  
23 firearm dealers to file a uniform form for all annual dealer reports  
24 required by subsection (13)(g) of this section.

25 (15) A dealer shall carry a general liability insurance policy  
26 providing at least \$1,000,000 of coverage per incident.

27 (16)(a) No firearm may be sold: (i) In violation of any  
28 provisions of this chapter; nor (ii) under any circumstances unless  
29 the purchaser is personally known to the dealer or shall present  
30 clear evidence of his or her identity.

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

36 (c) The license fee for pistols shall be one hundred twenty-five  
37 dollars. The license fee for firearms other than pistols shall be one  
38 hundred twenty-five dollars. The license fee for ammunition shall be  
39 one hundred twenty-five dollars. Any dealer who obtains any license  
40 under subsection (1), (2), or (3) of this section may also obtain the

1 remaining licenses without payment of any fee. The fees received  
2 under this section shall be deposited in the state general fund.

3 ~~((9))~~ (17) (a) A true record shall be made of every pistol or  
4 semiautomatic assault rifle sold, in a book kept for the purpose, the  
5 form of which may be prescribed by the director of licensing and  
6 shall be personally signed by the purchaser and by the person  
7 effecting the sale, each in the presence of the other, and shall  
8 contain the date of sale, the caliber, make, model and manufacturer's  
9 number of the weapon, the name, address, occupation, and place of  
10 birth of the purchaser, and a statement signed by the purchaser that  
11 he or she is not ineligible under state or federal law to possess a  
12 firearm. The dealer shall retain the transfer record for six years.

13 (b) The dealer shall transmit the information from the firearm  
14 transfer application through secure automated firearms e-check (SAFE)  
15 to the Washington state patrol firearms background check program. The  
16 Washington state patrol firearms background check program shall  
17 transmit the application information for pistol and semiautomatic  
18 assault rifle transfer applications to the director of licensing  
19 daily. The original application shall be retained by the dealer for  
20 six years.

21 ~~((10))~~ (18) Subsections (2) through ~~((9))~~ (17) of this  
22 section shall not apply to sales at wholesale.

23 ~~((11))~~ (19) Subsections (6) and (9) through (15) of this  
24 section shall not apply to dealers with a sales volume of \$1,000 or  
25 less per month on average over the preceding 12 months. A dealer that  
26 previously operated under this threshold and subsequently exceeds it  
27 must comply with the requirements of subsections (6) and (9) through  
28 (15) of this section within one year of exceeding the threshold.

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

35 ~~((12))~~ (21) Except as otherwise provided in this chapter, every  
36 city, town, and political subdivision of this state is prohibited  
37 from requiring the purchaser to secure a permit to purchase or from  
38 requiring the dealer to secure an individual permit for each sale.

39 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2025.

1        NEW SECTION.     **Sec. 3.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected."

5        Correct the title.

EFFECT: The amendment modifies the substitute bill as follows.

The requirement for dealer employees to be fingerprinted each year is removed. The requirements for dealer employees to undergo fingerprinting and a background check before engaging in the sale or transfer of firearms, and to undergo background checks each year thereafter, are retained.

Firearm storage requirements are modified. Outside of business hours, a dealer must secure all firearms (i) on the dealer's business premises in a locked fireproof safe or vault, (ii) in a room or building that meets the physical security requirements established in the bill, or (iii) in a secured and locked area under the dealer's control while the dealer is conducting business at a temporary location. The provision specifying that locked display cases do not satisfy this requirement is removed.

Surveillance system requirements are modified. The surveillance system must be capable of recording 24 hours per day. The dealer has the option of continuously recording or using motion sensors to activate recording. Motion-activated recording must remain active for at least 15 seconds after motion ceases to be detected. The minimum time period for recordings to be retained is reduced from six years to two years.

The provision requiring dealers to allow agents of the Washington State Patrol access to the dealer's surveillance system when the agent is inspecting the system for compliance is removed.

A provision is added exempting dealers with average sales volume of \$1,000 or less per month from the portions of the bill requiring annual certification to licensing authorities, and implementation of specified security features, firearm storage practices, surveillance systems, law enforcement response and reporting practices, recordkeeping requirements, and insurance minimums.

The bill's effective date is delayed from January 1, 2025, to July 1, 2025.

--- END ---