
HOUSE BILL 2825

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Wineberry, Orr and Springer

Read first time 01/24/94. Referred to Committee on Judiciary.

1 AN ACT Relating to a firearms safety and proficiency licensing
2 examination; amending RCW 9.41.050, 9.41.070, 9.41.090, 9.41.098,
3 9.41.310, and 48.19.030; adding a new section to chapter 9.41 RCW;
4 creating new sections; prescribing penalties; making an appropriation;
5 and providing an effective date.

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

7 **Sec. 1.** RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each amended
8 to read as follows:

9 (1) Except in the person's place of abode or fixed place of
10 business, a person shall not carry a pistol (~~concealed~~) on his or her
11 person, or in or on a vehicle, whether or not motorized, without a
12 license to carry a concealed weapon.

13 (2) A person who is in possession of an unloaded pistol shall not
14 leave the unloaded pistol in a vehicle unless the unloaded pistol is
15 locked within the vehicle and concealed from view from outside the
16 vehicle.

17 (3) A person shall not carry or place a loaded pistol in any
18 vehicle unless the person has a license to carry a concealed weapon
19 and: (a) The pistol (~~is~~) and the license are on the licensee's

1 person, (b) the licensee (~~(is)~~) and the license are within the vehicle
2 at all times that the pistol is there, or (c) the licensee is away from
3 the vehicle and the pistol is locked within the vehicle and concealed
4 from view from outside the vehicle.

5 (4) A violation of this section is a gross misdemeanor punishable
6 in accordance with chapter 9A.20 RCW. In addition to any other
7 penalties imposed by law, a pistol possessed in violation of this
8 section is subject to confiscation and forfeiture under RCW 9.41.098.

9 **Sec. 2.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
10 as follows:

11 (1) The judge of a court of record, the chief of police of a
12 municipality, or the sheriff of a county, shall within thirty days
13 after the filing of an application of any person issue a license to
14 such person to carry a pistol concealed on his or her person within
15 this state for four years from date of issue, for the purposes of
16 protection or while engaged in business, sport, or while traveling.
17 However, if the applicant does not have a valid permanent Washington
18 driver's license or Washington state identification card or has not
19 been a resident of the state for the previous consecutive ninety days,
20 the issuing authority shall have up to sixty days after the filing of
21 the application to issue a license. Such applicant's constitutional
22 right to bear arms shall not be denied, unless he or she:

23 (a) Is ineligible to own a pistol under the provisions of RCW
24 9.41.040; or

25 (b) Is under twenty-one years of age; or

26 (c) Is subject to a court order or injunction regarding firearms
27 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

28 (d) Is free on bond or personal recognizance pending trial, appeal,
29 or sentencing for a crime of violence; or

30 (e) Has an outstanding warrant for his or her arrest from any court
31 of competent jurisdiction for a felony or misdemeanor; or

32 (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d)
33 within one year before filing an application to carry a pistol
34 concealed on his or her person; or

35 (g) Has been convicted of any of the following offenses: Assault
36 in the third degree, indecent liberties, malicious mischief in the
37 first degree, possession of stolen property in the first or second
38 degree, or theft in the first or second degree. Any person who becomes

1 ineligible for a concealed pistol permit as a result of a conviction
2 for a crime listed in this subsection (1)(g) and then successfully
3 completes all terms of his or her sentence, as evidenced by a
4 certificate of discharge issued under RCW 9.94A.220 in the case of a
5 sentence under chapter 9.94A RCW, and has not again been convicted of
6 any crime and is not under indictment for any crime, may, one year or
7 longer after such successful sentence completion, petition the district
8 court for a declaration that the person is no longer ineligible for a
9 concealed pistol permit under this subsection (1)(g); or

10 (h) Has failed to produce proof of a satisfactory score on an
11 examination under section 6 of this act concerning firearm proficiency
12 and knowledge of firearms laws. This subsection (1)(h) shall not apply
13 to applicants for license renewals.

14 (2) Any person whose firearms rights have been restricted and who
15 has been granted relief from disabilities by the secretary of the
16 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
17 Sec. 921(a)(20) shall have his or her right to acquire, receive,
18 transfer, ship, transport, carry, and possess firearms in accordance
19 with Washington state law restored.

20 (3) The license shall be revoked by the issuing authority
21 immediately upon conviction of a crime which makes such a person
22 ineligible to own a pistol or upon the third conviction for a violation
23 of this chapter within five calendar years.

24 (4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the
25 issuing authority shall:

26 (a) On the first forfeiture, revoke the license for one year;

27 (b) On the second forfeiture, revoke the license for two years;

28 (c) On the third or subsequent forfeiture, revoke the license for
29 five years.

30 Any person whose license is revoked as a result of a forfeiture of a
31 firearm under RCW 9.41.098(1)(d) may not reapply for a new license
32 until the end of the revocation period. The issuing authority shall
33 notify, in writing, the department of licensing upon revocation of a
34 license. The department of licensing shall record the revocation.

35 (5) The license shall be in triplicate, in form to be prescribed by
36 the department of licensing, and shall bear the name, address, and
37 description, fingerprints, and signature of the licensee, and the
38 licensee's driver's license number or state identification card number

1 if used for identification in applying for the license. The license
2 application shall contain a warning substantially as follows:

3 CAUTION: Although state and local laws do not differ, federal
4 law and state law on the possession of firearms differ. If you
5 are prohibited by federal law from possessing a firearm, you
6 may be prosecuted in federal court. A state license is not a
7 defense to a federal prosecution.

8 The license application shall contain a description of the major
9 differences between state and federal law and an explanation of the
10 fact that local laws and ordinances on firearms are preempted by state
11 law and must be consistent with state law. The application shall
12 contain questions about the applicant's place of birth, whether the
13 applicant is a United States citizen, and if not a citizen whether the
14 applicant has declared the intent to become a citizen and whether he or
15 she has been required to register with the state or federal government
16 and any identification or registration number, if applicable. The
17 applicant shall not be required to produce a birth certificate or other
18 evidence of citizenship. An applicant who is not a citizen shall
19 provide documentation showing resident alien status and the applicant's
20 intent to become a citizen. A person who makes a false statement
21 regarding citizenship on the application is guilty of a misdemeanor. A
22 person who is not a citizen of the United States, or has not declared
23 his or her intention to become a citizen shall meet the additional
24 requirements of RCW 9.41.170.

25 The original (~~thereof~~) license and a copy of the department of
26 fish and wildlife pamphlet published under RCW 9.41.310 shall be
27 delivered to the licensee(~~(7)~~). The duplicate license shall within
28 seven days be sent by registered mail to the director of licensing and
29 the triplicate license shall be preserved for six years, by the
30 authority issuing said license.

31 (6) The fee for the original issuance of a four-year license shall
32 be twenty-three dollars: PROVIDED, That no other additional charges by
33 any branch or unit of government shall be borne by the applicant for
34 the issuance of the license: PROVIDED FURTHER, That the fee shall be
35 distributed as follows:

36 (a) Four dollars shall be paid to the (~~state general fund~~)
37 department of licensing for the purpose of carrying out its duties
38 under this chapter;

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

3 (c) Twelve dollars shall be paid to the issuing authority for the
4 purpose of enforcing this chapter; and

5 (d) Three dollars to the firearms range account in the general
6 fund.

7 (7) The fee for the renewal of such license shall be fifteen
8 dollars: PROVIDED, That no other additional charges by any branch or
9 unit of government shall be borne by the applicant for the renewal of
10 the license: PROVIDED FURTHER, That the fee shall be distributed as
11 follows:

12 (a) Four dollars shall be paid to the ~~((state general fund))~~
13 department of licensing for the purpose of carrying out its duties
14 under this chapter;

15 (b) Eight dollars shall be paid to the issuing authority for the
16 purpose of enforcing this chapter; and

17 (c) Three dollars to the firearms range account in the general
18 fund.

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

22 (9) A licensee may renew a license if the licensee applies for
23 renewal within ninety days before or after the expiration date of the
24 license. A license so renewed shall take effect on the expiration date
25 of the prior license. A licensee renewing after the expiration date of
26 the license must pay a late renewal penalty of ten dollars in addition
27 to the renewal fee specified in subsection (7) of this section. The
28 fee shall be distributed as follows:

29 (a) Three dollars shall be deposited in the state wildlife fund and
30 used exclusively for the printing and distribution of a pamphlet on the
31 legal limits of the use of firearms, firearms safety, and the
32 preemptive nature of state law. The pamphlet shall be given to each
33 applicant for a license; and

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

36 (10) Notwithstanding the requirements of subsections (1) through
37 (9) of this section, the chief of police of the municipality or the
38 sheriff of the county of the applicant's residence may issue a

1 temporary emergency license for good cause pending review under
2 subsection (1) of this section.

3 (11) A political subdivision of the state shall not modify the
4 requirements of this section or chapter, nor may a political
5 subdivision ask the applicant to voluntarily submit any information not
6 required by this section. A civil suit may be brought to enjoin a
7 wrongful refusal to issue a license or a wrongful modification of the
8 requirements of this section or chapter. The civil suit may be brought
9 in the county in which the application was made or in Thurston county
10 at the discretion of the petitioner. Any person who prevails against
11 a public agency in any action in the courts for a violation of this
12 chapter shall be awarded costs, including reasonable attorneys' fees,
13 incurred in connection with such legal action.

14 **Sec. 3.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read as
15 follows:

16 (1) In addition to the other requirements of this chapter, no
17 commercial seller shall deliver a pistol to the purchaser thereof
18 until:

19 (a) The purchaser produces a valid concealed pistol license and the
20 commercial seller has recorded the purchaser's name, license number,
21 and issuing agency, such record to be made in triplicate and processed
22 as provided in subsection (4) of this section; or

23 (b) The seller is notified in writing by the chief of police of the
24 municipality or the sheriff of the county that the purchaser meets the
25 requirements of RCW 9.41.040 and that the application to purchase is
26 granted; or

27 (c) Five consecutive days including Saturday, Sunday and holidays
28 have elapsed from the time of receipt of the application for the
29 purchase thereof as provided herein by the chief of police or sheriff
30 designated in subsection (4) of this section, and, when delivered, said
31 pistol shall be securely wrapped and shall be unloaded. However, if
32 the purchaser does not have a valid permanent Washington driver's
33 license or state identification card or has not been a resident of the
34 state for the previous consecutive ninety days, the waiting period
35 under this subsection (1)(c) shall be up to sixty days.

36 (2) 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 seller

1 shall hold the delivery of the pistol until the warrant for arrest is
2 served and satisfied by appropriate court appearance. The local
3 jurisdiction for purposes of the sale shall confirm the existence of
4 outstanding warrants within seventy-two hours after notification of the
5 application to purchase a pistol is received. The local jurisdiction
6 shall also immediately confirm the satisfaction of the warrant on
7 request of the seller so that the hold may be released if the warrant
8 was for a crime other than a crime of violence.

9 (3) 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 a crime of violence, or (e) an arrest for a crime of
14 violence if the records of disposition have not yet been reported or
15 entered sufficiently to determine eligibility to purchase a pistol, the
16 local jurisdiction may hold the sale and delivery of the pistol beyond
17 five days up to thirty days in order to confirm existing records in
18 this state or elsewhere. After thirty days, the hold will be lifted
19 unless an extension of the thirty days is approved by a local district
20 court or municipal court for good cause shown. An applicant shall be
21 notified of each hold placed on the sale by local law enforcement and
22 of any application to the court for additional hold period to confirm
23 records or confirm the identity of the applicant.

24 (4) At the time of applying for the purchase of a pistol, the
25 purchaser shall sign in triplicate and deliver to the seller an
26 application containing his or her full name, address, place of birth,
27 and the date and hour of the application; the applicant's driver's
28 license number or state identification card number; and a description
29 of the weapon including, the make, model, caliber and manufacturer's
30 number; and a statement that the purchaser is eligible to own a pistol
31 under RCW 9.41.040. The application shall contain a warning
32 substantially as follows:

33 CAUTION: Although state and local laws do not differ, federal
34 law and state law on the possession of firearms differ. If you
35 are prohibited by federal law from possessing a firearm, you
36 may be prosecuted in federal court. State permission to
37 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, including a list of safety training resources prepared by the
4 director of the department of licensing, and the fact that local laws
5 and ordinances on firearms are preempted by state law and must be
6 consistent with state law.

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

20 **Sec. 4.** RCW 9.41.098 and 1993 c 243 s 1 are each amended to read
21 as follows:

22 (1) The superior courts and the courts of limited jurisdiction of
23 the state may order forfeiture of a firearm which is proven to be:

24 (a) Found (~~concealed on~~) in the possession of a person not
25 authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol(~~(+
26 PROVIDED, That))~~). However, it is an absolute defense to forfeiture if
27 the person possessed a valid Washington concealed pistol license within
28 the preceding two years and has not become ineligible for a concealed
29 pistol license in the interim. Before the firearm may be returned, the
30 person must pay the past due renewal fee and the current renewal fee;

31 (b) Commercially sold to any person without an application as
32 required by RCW 9.41.090;

33 (c) Found in the possession or under the control of a person at the
34 time the person committed or was arrested for committing a crime of
35 violence or a crime in which a firearm was used or displayed or a
36 felony violation of the Uniform Controlled Substances Act, chapter
37 69.50 RCW;

1 (d) Found (~~concealed on~~) in the possession of a person who is in
2 any place in which a concealed pistol license is required, and who is
3 under the influence of any drug or under the influence of intoxicating
4 liquor, having 0.10 grams or more of alcohol per two hundred ten liters
5 of breath or 0.10 percent or more by weight of alcohol in the person's
6 blood, as shown by analysis of the person's breath, blood, or other
7 bodily substance;

8 (e) Found in the possession of a person prohibited from possessing
9 the firearm under RCW 9.41.040;

10 (f) Found in the possession of a person free on bail or personal
11 recognizance pending trial, appeal, or sentencing for a crime of
12 violence or a crime in which a firearm was used or displayed, except
13 that violations of Title 77 RCW shall not result in forfeiture under
14 this section;

15 (g) Found in the possession of a person found to have been mentally
16 incompetent while in possession of a firearm when apprehended or who is
17 thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

18 (h) Known to have been used or displayed by a person in the
19 violation of a proper written order of a court of general jurisdiction;
20 or

21 (i) Known to have been used in the commission of a crime of
22 violence or a crime in which a firearm was used or displayed or a
23 felony violation of the (~~Uniformed [Uniform]~~) Uniform Controlled
24 Substances Act, chapter 69.50 RCW.

25 (2) Upon order of forfeiture, the court in its discretion shall
26 order destruction of any firearm that is illegal for any person to
27 possess. A court may temporarily retain forfeited firearms needed for
28 evidence.

29 (a) Except as provided in (b), (c), and (d) of this subsection,
30 firearms that are: (i) Judicially forfeited and no longer needed for
31 evidence; or (ii) forfeited due to a failure to make a claim under RCW
32 63.32.010 or 63.40.010; may be disposed of in any manner determined by
33 the local legislative authority. Any proceeds of an auction or trade
34 may be retained by the legislative authority. This subsection (2)(a)
35 applies only to firearms that come into the possession of the law
36 enforcement agency after June 30, 1993, and applies only if the law
37 enforcement agency has complied with (b) of this subsection.

38 By midnight, June 30, 1993, every law enforcement agency shall
39 prepare an inventory, under oath, of every firearm that has been

1 judicially forfeited, has been seized and may be subject to judicial
2 forfeiture, or that has been, or may be, forfeited due to a failure to
3 make a claim under RCW 63.32.010 or 63.40.010.

4 (b) Except as provided in (c) of this subsection, of the
5 inventoried firearms a law enforcement agency shall destroy illegal
6 firearms, may retain a maximum of ten percent of legal forfeited
7 firearms for agency use, and shall either:

8 (i) Comply with the provisions for the auction of firearms in RCW
9 9.41.098 that were in effect immediately preceding May 7, 1993; or

10 (ii) Trade, auction, or arrange for the auction of, rifles and
11 shotguns. In addition, the law enforcement agency shall either trade,
12 auction, or arrange for the auction of, short firearms, or shall pay a
13 fee of twenty-five dollars to the state treasurer for every short
14 firearm neither auctioned nor traded, to a maximum of fifty thousand
15 dollars. The fees shall be accompanied by an inventory, under oath, of
16 every short firearm listed in the inventory required by (a) of this
17 subsection, that has been neither traded nor auctioned. The state
18 treasurer shall credit the fees to the firearms range account
19 established in RCW 77.12.720. All trades or auctions of firearms under
20 this subsection shall be to commercial sellers. Proceeds of any
21 auction less costs, including actual costs of storage and sale, shall
22 be forwarded to the firearms range account established in RCW
23 77.12.720.

24 (c) Antique firearms as defined by RCW 9.41.150 and firearms
25 recognized as curios, relics, and firearms of particular historical
26 significance by the United States treasury department bureau of
27 alcohol, tobacco, and firearms are exempt from destruction and shall be
28 disposed of by auction or trade to commercial sellers.

29 (d) Firearms in the possession of the Washington state patrol on or
30 after May 7, 1993, that are judicially forfeited and no longer needed
31 for evidence, or forfeited due to a failure to make a claim under RCW
32 63.35.020, must be disposed of as follows: (i) Firearms illegal for
33 any person to possess must be destroyed; (ii) the Washington state
34 patrol may retain a maximum of ten percent of legal firearms for agency
35 use; and (iii) all other legal firearms must be auctioned or traded to
36 commercial sellers. The Washington state patrol may retain any
37 proceeds of an auction or trade.

38 (3) The court shall order the firearm returned to the owner upon a
39 showing that there is no probable cause to believe a violation of

1 subsection (1) of this section existed or the firearm was stolen from
2 the owner or the owner neither had knowledge of nor consented to the
3 act or omission involving the firearm which resulted in its forfeiture.

4 (4) A law enforcement officer of the state or of any county or
5 municipality may confiscate a firearm found to be in the possession of
6 a person under circumstances specified in subsection (1) of this
7 section. After confiscation, the firearm shall not be surrendered
8 except: (a) To the prosecuting attorney for use in subsequent legal
9 proceedings; (b) for disposition according to an order of a court
10 having jurisdiction as provided in subsection (1) of this section; or
11 (c) to the owner if the proceedings are dismissed or as directed in
12 subsection (3) of this section.

13 **Sec. 5.** RCW 9.41.310 and 1988 c 36 s 4 are each amended to read as
14 follows:

15 After a public hearing, the department of fish and wildlife shall
16 publish a pamphlet on firearms safety and the legal limits of the use
17 of firearms. The pamphlet shall include the list of safety training
18 resources compiled by the director of the department of licensing, and
19 current information on firearms laws and regulations and state
20 preemption of local firearms laws. No hearing is required before
21 including the list of safety training resources, and no governmental
22 entity or employee is liable for errors in the list.

23 This pamphlet may be used in the department's hunter safety
24 education program and shall be provided to the department of licensing
25 for distribution to firearms dealers and persons authorized to issue
26 concealed pistol licenses. The department of fish and wildlife shall
27 reimburse the department of licensing for costs associated with
28 distribution of the pamphlet.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 9.41 RCW
30 to read as follows:

31 (1) The director of the department of licensing shall approve a
32 written examination to measure proficiency in the safe storage,
33 handling, and use of short firearms, and to measure knowledge of laws
34 concerning firearms, including the legal use of deadly force. For the
35 purpose of this section, "short firearm" has the meaning defined in RCW
36 9.41.010. The examination shall be administered by a local law
37 enforcement agency upon request of the examination applicant.

1 (2) The director of the department of licensing shall determine a
2 minimum satisfactory score for the examination. The local law
3 enforcement agency administering the test shall issue a certificate on
4 a form prescribed by the director of the department of licensing to
5 each person achieving a satisfactory score. A law enforcement agency
6 may charge a uniform fee of ten dollars for the examination.

7 (3)(a) The director of the department of licensing shall compile a
8 list of public and private resources offering firearm safety training
9 that, in the opinion of the director, provide adequate instruction in
10 short firearm use and safety and in firearms laws. The director shall
11 review and update the list at least once every three years.

12 (b) Whether to include a resource in the list shall be in the
13 director's sole discretion, and neither the director, the department,
14 nor the state shall be liable as the result of the inclusion or
15 exclusion of a resource.

16 (c) The director shall provide the list to the department of fish
17 and wildlife for inclusion in the pamphlet required by RCW 9.41.310.

18 **Sec. 7.** RCW 48.19.030 and 1989 c 25 s 3 are each amended to read
19 as follows:

20 Rates shall be used, subject to the other provisions of this
21 chapter, only if made in accordance with the following provisions:

22 (1) In the case of insurances under standard fire policies and that
23 part of marine and transportation insurances not exempted under RCW
24 48.19.010, manual, minimum, class or classification rates, rating
25 schedules or rating plans, shall be made and adopted; except as to
26 specific rates on inland marine risks individually rated, which risks
27 are not reasonably susceptible to manual or schedule rating, and which
28 risks by general custom of the business are not written according to
29 manual rates or rating plans.

30 (2) In the case of casualty and surety insurances:

31 (a) The systems of expense provisions included in the rates for use
32 by any insurer or group of insurers may differ from those of other
33 insurers or groups of insurers to reflect the requirements of the
34 operating methods of any such insurer or group with respect to any kind
35 of insurance, or with respect to any subdivision or combination thereof
36 for which subdivision or combination separate expense provisions are
37 applicable.

1 (b) Risks may be grouped by classifications for the establishment
2 of rates and minimum premiums. Classification rates may be modified to
3 produce rates for individual risks in accordance with rating plans
4 which establish standards for measuring variations in hazards or
5 expense provisions, or both. Such standards may measure any
6 differences among risks that can be demonstrated to have a probable
7 effect upon losses or expenses.

8 (3) Due consideration in making rates for all insurances shall be
9 given to:

10 (a) Past and prospective loss experience within this state for
11 experience periods acceptable to the commissioner. If the information
12 is not available or is not statistically credible, an insurer may use
13 loss experience in those states which are likely to produce loss
14 experience similar to that in this state.

15 (b) Conflagration and catastrophe hazards, where present.

16 (c) Proficiency by firearm owners in the safe storage, handling,
17 and use of firearms, and knowledge of firearm owners of the laws
18 concerning short firearms, including the legal use of deadly force.
19 Casualty insurers are encouraged to offer premium reductions to firearm
20 owners who have demonstrated this proficiency on a written examination
21 administered by a local law enforcement agency as required under
22 section 6 of this act, where a reduced loss experience from firearm
23 injuries or deaths reasonably might be expected to result in a reduced
24 loss experience by the insurer. For the purposes of this section,
25 "short firearm" has the meaning defined in RCW 9.41.010.

26 (d) A reasonable margin for underwriting profit and contingencies.

27 ~~((d))~~ (e) Dividends, savings and unabsorbed premium deposits
28 allowed or returned by insurers to their policyholders, members, or
29 subscribers.

30 ~~((e))~~ (f) Past and prospective operating expenses.

31 ~~((f))~~ (g) Past and prospective investment income.

32 ~~((g))~~ (h) All other relevant factors within and outside this
33 state.

34 (4) In addition to other factors required by this section, rates
35 filed by an insurer on its own behalf may also be related to the
36 insurer's plan of operation and plan of risk classification.

37 (5) Except to the extent necessary to comply with RCW 48.19.020
38 uniformity among insurers in any matter within the scope of this
39 section is neither required nor prohibited.

1 NEW SECTION. **Sec. 8.** The sum of ten thousand dollars, or as much
2 thereof as may be necessary, is appropriated for the biennium ending
3 June 30, 1995, from the state general fund to the department of
4 licensing for the purposes of this act.

5 NEW SECTION. **Sec. 9.** Sections 2, 3, 5, and 6 of this act shall
6 take effect January 1, 1995.

7 NEW SECTION. **Sec. 10.** The director of the department of licensing
8 and the director of the department of fish and wildlife may take such
9 steps as are necessary to ensure that this act is implemented on its
10 effective date.

11 NEW SECTION. **Sec. 11.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

--- END ---