
HOUSE BILL 2020

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Shea, Overstreet, Taylor, Condotta, Holy, Scott, Pike, Schmick, Haler, Harris, and Kristiansen

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1 AN ACT Relating to expanding economic development and creating jobs
2 by increasing the availability of ammunition and firearm parts and
3 accessories in Washington state; amending RCW 7.72.030; adding new
4 sections to chapter 82.04 RCW; adding a new section to chapter 84.36
5 RCW; adding a new section to chapter 19.02 RCW; adding a new section to
6 chapter 23B.01 RCW; adding a new section to chapter 25.15 RCW; adding
7 a new section to chapter 43.330 RCW; adding a new chapter to Title 19
8 RCW; creating a new section; and declaring an emergency.

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

10 NEW SECTION. **Sec. 1.** The legislature recognizes that the people
11 of Washington state have reserved to themselves the individual right to
12 bear arms in Article I, section 24, of the Washington state
13 Constitution, which reads, "The right of the individual citizen to bear
14 arms in defense of himself, or the state, shall not be
15 impaired" The legislature finds that both the right to bear
16 arms and the safety and well-being of law-abiding citizens who possess
17 firearms are at serious risk if the people cannot obtain ammunition for
18 their firearms. A reliable, adequate, and ongoing source of ammunition
19 is an indivisible and essential part of the right to bear arms. The

1 people of Washington state who need small arms ammunition are almost
2 completely dependent upon a very limited number of manufacturers of
3 smokeless propellant, small arms primers, cartridge cases, and small
4 arms ammunition that are located in other states. The legislature also
5 recognizes that the availability of firearm parts and accessories are
6 also necessary in order for the people to more effectively exercise
7 their right to bear arms. The legislature intends by this act to
8 encourage the manufacture of smokeless propellant, small arms primers,
9 cartridge cases, and small arms ammunition and firearm parts and
10 accessories within the borders of Washington state to ensure a
11 dependable, sufficient, and continuous availability of ammunition
12 components, and firearms ammunition, parts, and accessories, for the
13 people of Washington, and to expand economic development and create
14 jobs within Washington state.

15 NEW SECTION. **Sec. 2.** This act may be known and cited as the
16 Washington state firearms ammunition, parts, and accessories jobs act.

17 NEW SECTION. **Sec. 3.** The definitions in this section apply
18 throughout this chapter unless the context clearly requires otherwise:

19 (1) "Ammunition components" means propellants, primers, and
20 cartridge cases.

21 (2) "Black powder" means a propellant made from potassium or sodium
22 nitrate, charcoal, and sulfur or a substitute for black powder made
23 differently that is used for conventional small arms or antique or
24 replica arms.

25 (3) "Cartridge cases" means the casings that contain and hold
26 together the propellant, primer, and bullet, which may be formed from
27 brass, aluminum, steel, plastic, or some combination of those or other
28 materials.

29 (4) "Firearm accessories" means items that connect to a small arm
30 or are used to carry or load small arms ammunition and includes, but is
31 not limited to, hand guards, scopes, magazines, clips, slings, and
32 speed loaders.

33 (5) "Firearm parts" means the individual components used in the
34 manufacture of small arms and includes, but is not limited to, barrels,
35 frames, cylinders, chokes, stocks, grips, and forends.

1 (6) "Manufacturer of firearm ammunition, parts, or accessories"
2 means a person or entity in this state engaged in the primary business
3 of the manufacture of ammunition components, small arms ammunition,
4 firearm parts, or firearm accessories.

5 (7) "Primary business" means a manufacturer in which more than one-
6 half of its product produced is, and more than one-half of its gross
7 income comes from sales of, ammunition components, small arms
8 ammunition, firearm parts, or firearm accessories.

9 (8) "Propellant" includes smokeless propellant and black powder.

10 (9) "Small arms" means pistols, revolvers, rifles, shotguns, and
11 other similar devices that are portable by one person, the possession
12 and use of which are protected by Article I, section 24, of the
13 Washington state Constitution.

14 (10) "Small arms ammunition" means the combination of ammunition
15 components into a projectile for use in small arms.

16 (11) "Small arms primers" means the priming component for a round
17 of ammunition intended for use in small arms that is usually made of a
18 cup, an anvil, and a shock-sensitive chemical compound and is designed
19 to ignite the propellant in an ammunition cartridge for conventional
20 small arms.

21 (12) "Smokeless propellant" means a chemical substance designed to
22 expel a projectile from small arms through burning and expansion at a
23 quick but controlled burning rate.

24 NEW SECTION. **Sec. 4.** (1) A manufacturer of firearms ammunition,
25 parts, or accessories that meets the conditions in subsection (2) of
26 this section is exempt from:

27 (a) The business and occupation tax imposed under chapter 82.04
28 RCW, as provided in section 6 of this act;

29 (b) Property taxes imposed under Title 84 RCW, as provided in
30 section 8 of this act; and

31 (c) Business license fees, as provided in sections 9 through 11 of
32 this act.

33 (2) A manufacturer of firearm ammunition, parts, or accessories is
34 exempt from taxation and fees as provided under subsection (1) of this
35 section if the manufacturer meets the following conditions:

36 (a) The products of the manufacturer are and remain available to
37 commercial and individual consumers in the state;

1 (b) The manufacturer sells its products to in-state commercial and
2 individual consumers for a price no greater than that for out-of-state
3 purchasers, including any products that leave the state regardless of
4 destination or purchaser; and

5 (c) The manufacturer does not enter into any agreement or contract
6 that could actually or potentially require or commit all of its
7 production to out-of-state consumers, or interfere with or prohibit
8 sales or the provision of its products to in-state consumers.

9 NEW SECTION. **Sec. 5.** Only Washington state and the department of
10 ecology may regulate the chemicals used to manufacture ammunition
11 components and any use of those chemicals for such purposes may not be
12 regulated in the state by any agency of the United States.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 82.04 RCW
14 to read as follows:

15 (1) The tax imposed under this chapter does not apply to a
16 manufacturer of firearm ammunition, parts, or accessories.

17 (2) To qualify for the exemption under this section, a manufacturer
18 of firearm ammunition, parts, or accessories must meet the requirements
19 of section 4(2) of this act.

20 (3) "Manufacturer of firearm ammunition, parts, or accessories" has
21 the same meaning as provided in section 3 of this act.

22 NEW SECTION. **Sec. 7.** A new section is added to chapter 82.04 RCW
23 to read as follows:

24 (1) In computing tax there may be deducted from the measure of tax
25 by those engaged in banking, loan, security, or other financial
26 businesses, interest received on loans made to manufacturers of firearm
27 ammunition, parts, or accessories.

28 (2) "Manufacturer of firearm ammunition, parts, or accessories" has
29 the same meaning as provided in section 3 of this act.

30 NEW SECTION. **Sec. 8.** A new section is added to chapter 84.36 RCW
31 to read as follows:

32 (1) Property owned and used by a manufacturer of firearm
33 ammunition, parts, or accessories is exempt from tax.

1 (2) To qualify for the exemption under this section, a manufacturer
2 of firearm ammunition, parts, or accessories must meet the requirements
3 of section 4(2) of this act.

4 (3) "Manufacturer of firearm ammunition, parts, or accessories" has
5 the same meaning as provided in section 3 of this act.

6 NEW SECTION. **Sec. 9.** A new section is added to chapter 19.02 RCW
7 to read as follows:

8 Any person operating as a manufacturer of firearm ammunition,
9 parts, or accessories, as defined in section 3 of this act, in a manner
10 consistent with the requirements of section 4(2) of this act, is exempt
11 from fees imposed under this chapter.

12 NEW SECTION. **Sec. 10.** A new section is added to chapter 23B.01
13 RCW to read as follows:

14 Any corporation operating as a manufacturer of firearm ammunition,
15 parts, or accessories, as defined in section 3 of this act, in a manner
16 consistent with the requirements of section 4(2) of this act, is exempt
17 from fees imposed under this chapter.

18 NEW SECTION. **Sec. 11.** A new section is added to chapter 25.15 RCW
19 to read as follows:

20 Any limited liability company operating as a manufacturer of
21 firearm ammunition, parts, or accessories, as defined in section 3 of
22 this act, in a manner consistent with the requirements of section 4(2)
23 of this act, is exempt from fees imposed under this chapter.

24 **Sec. 12.** RCW 7.72.030 and 1988 c 94 s 1 are each amended to read
25 as follows:

26 (1) A product manufacturer is subject to liability to a claimant if
27 the claimant's harm was proximately caused by the negligence of the
28 manufacturer in that the product was not reasonably safe as designed or
29 not reasonably safe because adequate warnings or instructions were not
30 provided.

31 (a) A product is not reasonably safe as designed, if, at the time
32 of manufacture, the likelihood that the product would cause the
33 claimant's harm or similar harms, and the seriousness of those harms,
34 outweighed the burden on the manufacturer to design a product that

1 would have prevented those harms and the adverse effect that an
2 alternative design that was practical and feasible would have on the
3 usefulness of the product: PROVIDED, That a firearm ((~~or~~)),
4 ammunition, or ammunition component made in Washington state shall not
5 be deemed defective in design on the basis that the benefits of the
6 product do not outweigh the risk of injury posed by its potential to
7 cause serious injury, damage, or death when discharged. The potential
8 of a firearm or ammunition to cause serious injury, damage, or death
9 when discharged does not make the product defective in design, and
10 injuries or damages resulting from the discharge of a firearm or
11 ammunition are not proximately caused by its potential to cause serious
12 injury, damage, or death, but are proximately caused by the actual
13 discharge of the product.

14 (b) A product is not reasonably safe because adequate warnings or
15 instructions were not provided with the product, if, at the time of
16 manufacture, the likelihood that the product would cause the claimant's
17 harm or similar harms, and the seriousness of those harms, rendered the
18 warnings or instructions of the manufacturer inadequate and the
19 manufacturer could have provided the warnings or instructions which the
20 claimant alleges would have been adequate.

21 (c) A product is not reasonably safe because adequate warnings or
22 instructions were not provided after the product was manufactured where
23 a manufacturer learned or where a reasonably prudent manufacturer
24 should have learned about a danger connected with the product after it
25 was manufactured. In such a case, the manufacturer is under a duty to
26 act with regard to issuing warnings or instructions concerning the
27 danger in the manner that a reasonably prudent manufacturer would act
28 in the same or similar circumstances. This duty is satisfied if the
29 manufacturer exercises reasonable care to inform product users.

30 (2) A product manufacturer is subject to strict liability to a
31 claimant if the claimant's harm was proximately caused by the fact that
32 the product was not reasonably safe in construction or not reasonably
33 safe because it did not conform to the manufacturer's express warranty
34 or to the implied warranties under Title 62A RCW.

35 (a) A product is not reasonably safe in construction if, when the
36 product left the control of the manufacturer, the product deviated in
37 some material way from the design specifications or performance

1 standards of the manufacturer, or deviated in some material way from
2 otherwise identical units of the same product line.

3 (b) A product does not conform to the express warranty of the
4 manufacturer if it is made part of the basis of the bargain and relates
5 to a material fact or facts concerning the product and the express
6 warranty proved to be untrue.

7 (c) Whether or not a product conforms to an implied warranty
8 created under Title 62A RCW shall be determined under that title.

9 (3) In determining whether a product was not reasonably safe under
10 this section, the trier of fact shall consider whether the product was
11 unsafe to an extent beyond that which would be contemplated by the
12 ordinary consumer.

13 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.330
14 RCW to read as follows:

15 The department, the county-designated associate development
16 organization, the small business development center, and impact
17 Washington must provide technical assistance if requested by a
18 manufacturer of firearm ammunition, parts, or accessories, as defined
19 in section 3 of this act. The technical assistance provided must be
20 responsive to the request and may include the provision of market
21 intelligence and research, business planning, information on available
22 financing tools, or the resolution of siting, regulatory, or licensing
23 requirements.

24 NEW SECTION. **Sec. 14.** Sections 1 through 5 of this act constitute
25 a new chapter in Title 19 RCW.

26 NEW SECTION. **Sec. 15.** If any part of this act is found to be in
27 conflict with federal requirements that are a prescribed condition to
28 the allocation of federal funds to the state, the conflicting part of
29 this act is inoperative solely to the extent of the conflict and with
30 respect to the agencies directly affected, and this finding does not
31 affect the operation of the remainder of this act in its application to
32 the agencies concerned. Rules adopted under this act must meet federal
33 requirements that are a necessary condition to the receipt of federal
34 funds by the state.

1 NEW SECTION. **Sec. 16.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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