
HOUSE BILL 1181

State of Washington

65th Legislature

2017 Regular Session

By Representatives Blake, J. Walsh, Kirby, Buys, Vick, Koster, Taylor, Shea, Schmick, MacEwen, Haler, Dent, Harmsworth, Griffey, Kraft, and Young

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1 AN ACT Relating to prohibiting the creation and maintenance of a
2 database concerning pistol sales or transfers; and amending RCW
3 9.41.129, 9.41.090, and 9.41.110.

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

5 **Sec. 1.** RCW 9.41.129 and 2005 c 274 s 203 are each amended to
6 read as follows:

7 (1) The department of licensing may keep copies or records of
8 applications for concealed pistol licenses provided for in RCW
9 9.41.070((,-)) 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
12 transfers provided for in RCW 9.41.110)) provided for in RCW
13 9.41.173. The copies and records shall not be disclosed except as
14 provided in RCW 42.56.240(4).

15 (2) The department of licensing shall not keep copies or records
16 of applications to purchase pistols under RCW 9.41.090 or copies or
17 records of pistol transfers or sales under RCW 9.41.110 or 9.41.113.
18 The department of licensing shall eliminate any copies or records of
19 pistol purchase applications or pistol sales or transfers from any
20 databases maintained by the department of licensing.

1 **Sec. 2.** RCW 9.41.090 and 2015 c 1 s 5 are each amended to read
2 as follows:

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

5 (a) The purchaser produces a valid concealed pistol license and
6 the dealer has recorded the purchaser's name, license number, and
7 issuing agency, such record to be made in (~~triplicate~~) duplicate
8 and processed as provided in subsection (5) of this section. For
9 purposes of this subsection (1)(a), a "valid concealed pistol
10 license" does not include a temporary emergency license, and does not
11 include any license issued before July 1, 1996, unless the issuing
12 agency conducted a records search for disqualifying crimes under RCW
13 9.41.070 at the time of issuance;

14 (b) The dealer is notified in writing by the chief of police or
15 the sheriff of the jurisdiction in which the purchaser resides that
16 the purchaser is eligible to possess a pistol under RCW 9.41.040 and
17 that the application to purchase is approved by the chief of police
18 or sheriff; or

19 (c) The requirements or time periods in RCW 9.41.092 have been
20 satisfied.

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

29 (b) Once the system is established, a dealer shall use the state
30 system and national instant criminal background check system,
31 provided for by the Brady Handgun Violence Prevention Act (18 U.S.C.
32 Sec. 921 et seq.), to make criminal background checks of applicants
33 to purchase firearms. However, a chief of police or sheriff, or a
34 designee of either, shall continue to check the department of social
35 and health services' electronic database and with other agencies or
36 resources as appropriate, to determine whether applicants are
37 ineligible under RCW 9.41.040 to possess a firearm.

38 (3) In any case under this section where the applicant has an
39 outstanding warrant for his or her arrest from any court of competent
40 jurisdiction for a felony or misdemeanor, the dealer shall hold the

1 delivery of the pistol until the warrant for arrest is served and
2 satisfied by appropriate court appearance. The local jurisdiction for
3 purposes of the sale shall confirm the existence of outstanding
4 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 dealer so that the hold may be released if the warrant
8 was for an offense other than an offense making a person ineligible
9 under RCW 9.41.040 to possess a pistol.

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

27 (5) At the time of applying for the purchase of a pistol, the
28 purchaser shall sign in (~~triplicate~~) duplicate and deliver to the
29 dealer an application containing his or her full name, residential
30 address, date and place of birth, race, and gender; the date and hour
31 of the application; the applicant's driver's license number or state
32 identification card number; a description of the pistol including the
33 make, model, caliber and manufacturer's number if available at the
34 time of applying for the purchase of a pistol. If the manufacturer's
35 number is not available, the application may be processed, but
36 delivery of the pistol to the purchaser may not occur unless the
37 manufacturer's number is recorded on the application by the dealer
38 and transmitted to the chief of police of the municipality or the
39 sheriff of the county in which the purchaser resides; and a statement

1 that the purchaser is eligible to possess a pistol under RCW
2 9.41.040.

3 The application shall contain a warning substantially as follows:

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

9 The purchaser shall be given a copy of the department of fish and
10 wildlife pamphlet on the legal limits of the use of firearms,
11 firearms safety, and the fact that local laws and ordinances on
12 firearms are preempted by state law and must be consistent with state
13 law.

14 The dealer shall, by the end of the business day, sign and attach
15 his or her address and deliver a copy of the application and such
16 other documentation as required under subsection (1) of this section
17 to the chief of police of the municipality or the sheriff of the
18 county of which the purchaser is a resident. The (~~triplicate~~)
19 duplicate shall be retained by the dealer for six years. The dealer
20 shall deliver the pistol to the purchaser following the period of
21 time specified in this chapter unless the dealer is notified of an
22 investigative hold under subsection (4) of this section in writing by
23 the chief of police of the municipality or the sheriff of the county,
24 whichever is applicable, denying the purchaser's application to
25 purchase and the grounds thereof. The application shall not be denied
26 unless the purchaser is not eligible to possess a pistol under RCW
27 9.41.040 or 9.41.045, or federal law.

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

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

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

36 **Sec. 3.** RCW 9.41.110 and 2009 c 479 s 10 are each amended to
37 read as follows:

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

5 (2) 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 firearm other than a pistol without being
8 licensed as provided in this section.

9 (3) 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 ammunition without being licensed as provided
12 in this section.

13 (4) The duly constituted licensing authorities of any city, town,
14 or political subdivision of this state shall grant licenses in forms
15 prescribed by the director of licensing effective for not more than
16 one year from the date of issue permitting the licensee to sell
17 firearms within this state subject to the following conditions, for
18 breach of any of which the license shall be forfeited and the
19 licensee subject to punishment as provided in RCW 9.41.010 through
20 9.41.810. A licensing authority shall forward a copy of each license
21 granted to the department of licensing. The department of licensing
22 shall notify the department of revenue of the name and address of
23 each dealer licensed under this section.

24 (5)(a) A licensing authority shall, within thirty days after the
25 filing of an application of any person for a dealer's license,
26 determine whether to grant the license. However, if the applicant
27 does not have a valid permanent Washington driver's license or
28 Washington state identification card, or has not been a resident of
29 the state for the previous consecutive ninety days, the licensing
30 authority shall have up to sixty days to determine whether to issue a
31 license. No person shall qualify for a license under this section
32 without first receiving a federal firearms license and undergoing
33 fingerprinting and a background check. In addition, no person
34 ineligible to possess a firearm under RCW 9.41.040 or ineligible for
35 a concealed pistol license under RCW 9.41.070 shall qualify for a
36 dealer's license.

37 (b) A dealer shall require every employee who may sell a firearm
38 in the course of his or her employment to undergo fingerprinting and
39 a background check. An employee must be eligible to possess a
40 firearm, and must not have been convicted of a crime that would make

1 the person ineligible for a concealed pistol license, before being
2 permitted to sell a firearm. Every employee shall comply with
3 requirements concerning purchase applications and restrictions on
4 delivery of pistols that are applicable to dealers.

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

9 (b) A dealer may conduct business temporarily at a location other
10 than the building designated in the license, if the temporary
11 location is within Washington state and is the location of a gun show
12 sponsored by a national, state, or local organization, or an
13 affiliate of any such organization, devoted to the collection,
14 competitive use, or other sporting use of firearms in the community.
15 Nothing in this subsection (6)(b) authorizes a dealer to conduct
16 business in or from a motorized or towed vehicle.

17 In conducting business temporarily at a location other than the
18 building designated in the license, the dealer shall comply with all
19 other requirements imposed on dealers by RCW 9.41.090(~~(7)~~) and
20 9.41.100(~~(7)~~) and (~~(9.41.110)~~) this section. The license of a dealer
21 who fails to comply with the requirements of RCW 9.41.080 and
22 9.41.090 and subsection (8) of this section while conducting business
23 at a temporary location shall be revoked, and the dealer shall be
24 permanently ineligible for a dealer's license.

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

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

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

38 (c) The license fee for pistols shall be one hundred twenty-five
39 dollars. The license fee for firearms other than pistols shall be one
40 hundred twenty-five dollars. The license fee for ammunition shall be

1 one hundred twenty-five dollars. Any dealer who obtains any license
2 under subsection (1), (2), or (3) of this section may also obtain the
3 remaining licenses without payment of any fee. The fees received
4 under this section shall be deposited in the state general fund.

5 (9)(a) A true record in (~~triplicate~~) duplicate shall be made of
6 every pistol sold, in a book kept for the purpose, the form of which
7 may be prescribed by the director of licensing and shall be
8 personally signed by the purchaser and by the person effecting the
9 sale, each in the presence of the other, and shall contain the date
10 of sale, the caliber, make, model and manufacturer's number of the
11 weapon, the name, address, occupation, and place of birth of the
12 purchaser and a statement signed by the purchaser that he or she is
13 not ineligible under RCW 9.41.040 to possess a firearm.

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

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

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

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

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