H-0171.4

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**HOUSE BILL 1144**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Orwall, Macri, Lekanoff, Pollet, Santos, Kloba, and Ormsby

AN ACT Relating to enhancing requirements for the purchase or transfer of firearms by establishing a 10-day waiting period, requiring firearms safety training, prohibiting firearms transfers prior to completion of a background check, and updating and creating consistency in firearms transfer and background check procedures; amending RCW 9.41.090, 9.41.092, 9.41.110, 9.41.090, 9.41.110, and 9.41.1135; adding a new section to chapter 43.43 RCW; repealing 2019 c 244 s 1; providing an effective date; and providing an expiration date.

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

**Sec.**  RCW 9.41.090 and 2019 c 3 s 3 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a pistol or semiautomatic assault rifle to the purchaser thereof until:

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

~~(b)~~)) The dealer is notified in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a ((~~pistol~~)) firearm under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in subsection ((~~(3)~~)) (2)(b) of this section; ((~~or~~)) and

((~~(c)~~)) (b) The requirements ((~~or~~)) and time periods in RCW 9.41.092 have been satisfied.

(2) ((~~In addition to the other requirements of this chapter, no dealer may deliver a semiautomatic assault rifle to the purchaser thereof until:~~

~~(a) The purchaser provides proof that he or she has completed a recognized firearm safety training program within the last five years that, at a minimum, includes instruction on:~~

~~(i) Basic firearms safety rules;~~

~~(ii) Firearms and children, including secure gun storage and talking to children about gun safety;~~

~~(iii) Firearms and suicide prevention;~~

~~(iv) Secure gun storage to prevent unauthorized access and use;~~

~~(v) Safe handling of firearms; and~~

~~(vi) State and federal firearms laws, including prohibited firearms transfers.~~

~~The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury the training included the minimum requirements; and~~

~~(b) The dealer is notified in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a firearm under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in subsection (3)(b) of this section; or~~

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

~~(3)~~))(a) Except as provided in (b) of this subsection, in determining whether the purchaser meets the requirements of RCW 9.41.040, the chief of police or sheriff, or the designee of either, shall check with the national crime information center, including the national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic database, the health care authority electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

(b) The state, through the legislature or initiative process, may enact a statewide firearms background check system equivalent to, or more comprehensive than, the check required by (a) of this subsection to determine that a purchaser is eligible to possess a firearm under RCW 9.41.040. Once a state system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms.

((~~(4) In any case under this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol or semiautomatic assault rifle until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale, or the state pursuant to subsection (3)(b) of this section, shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol or semiautomatic assault rifle is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a firearm.~~

~~(5) In any case where the chief or sheriff of the local jurisdiction, or the state pursuant to subsection (3)(b) of this section, has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a firearm, the local jurisdiction or the state may hold the sale and delivery of the pistol or semiautomatic assault rifle up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court, superior court, or municipal court for good cause shown. A dealer shall be notified of each hold placed on the sale by local law enforcement or the state and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.~~

~~(6)~~)) (3)(a) At the time of applying for the purchase of ((~~a pistol or semiautomatic assault rifle~~)) any firearm, the purchaser shall sign in triplicate and deliver to the dealer an application containing:

(i) His or her full name, residential address, date and place of birth, race, and gender;

(ii) The date and hour of the application;

(iii) The applicant's driver's license number or state identification card number;

(iv) A description of the ((~~pistol or semiautomatic assault rifle~~)) firearm including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of ((~~a pistol or semiautomatic assault rifle~~)) the firearm. If the manufacturer's number is not available at the time of applying for the purchase of a ((~~pistol or semiautomatic assault rifle~~)) firearm, the application may be processed, but delivery of the ((~~pistol or semiautomatic assault rifle~~)) firearm to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the chief of police of the municipality or the sheriff of the county in which the purchaser resides, or the state pursuant to subsection ((~~(3)~~)) (2)(b) of this section;

(v) A statement that the purchaser is eligible to purchase and possess a firearm under state and federal law; and

(vi) ((~~If purchasing a semiautomatic assault rifle, a~~)) A statement by the applicant under penalty of perjury that the applicant has completed a recognized firearm safety training program within the last five years, as required by ((~~subsection (2) of this section~~)) RCW 9.41.092.

(b) The application shall contain two warnings substantially stated as follows:

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

(ii) CAUTION: The presence of a firearm in the home has been associated with an increased risk of death to self and others, including an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms and firearms safety.

(c) ((~~The~~)) In the case of an application for the purchase or transfer of a pistol or semiautomatic assault rifle, the dealer shall, by the end of the business day, sign and attach his or her address and deliver a copy of the application and such other documentation as required under subsection((~~s~~)) (1) ((~~and (2)~~)) of this section to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to subsection ((~~(3)~~)) (2)(b) of this section. The triplicate shall be retained by the dealer for six years.

(d) The dealer shall deliver the ((~~pistol or semiautomatic assault rifle~~)) firearm to the purchaser ((~~following~~)) once the requirements and period of time specified in this chapter ((~~unless the dealer is notified of an investigative hold under subsection (5) of this section in writing by the chief of police of the municipality, the sheriff of the county, or the state, whichever is applicable, or of the denial of the purchaser's application to purchase and the grounds thereof~~)) are satisfied. The application shall not be denied unless the purchaser is not eligible to purchase or possess the firearm under state or federal law.

((~~(d)~~)) (e) The chief of police of the municipality or the sheriff of the county, or the state pursuant to subsection ((~~(3)~~)) (2)(b) of this section, shall retain or destroy applications to purchase a ((~~pistol or semiautomatic assault rifle~~)) firearm in accordance with the requirements of 18 U.S.C. Sec. 922.

((~~(7)~~)) (4)(a) To help offset the administrative costs of implementing this section as it relates to new requirements for semiautomatic assault rifles, the department of licensing may require the dealer to charge each semiautomatic assault rifle purchaser or transferee a fee not to exceed twenty-five dollars, except that the fee may be adjusted at the beginning of each biennium to levels not to exceed the percentage increase in the consumer price index for all urban consumers, CPI-W, or a successor index, for the previous biennium as calculated by the United States department of labor.

(b) The fee under (a) of this subsection shall be no more than is necessary to fund the following:

(i) The state for the cost of meeting its obligations under this section;

(ii) The health care authority, mental health institutions, and other health care facilities for state-mandated costs resulting from the reporting requirements imposed by RCW 9.41.097(1); and

(iii) Local law enforcement agencies for state-mandated local costs resulting from the requirements set forth under RCW 9.41.090 and this section.

((~~(8)~~)) (5) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm is guilty of false swearing under RCW 9A.72.040.

((~~(9)~~)) (6) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.

**Sec.**  RCW 9.41.092 and 2019 c 3 s 4 are each amended to read as follows:

(1) Except as otherwise provided in this chapter ((~~and except for semiautomatic assault rifles under subsection (2) of this section~~)), a licensed dealer may not deliver any firearm to a purchaser or transferee until ((~~the earlier of~~)):

(a) The purchaser or transferee produces a certificate of completion of a certified firearm safety training program within the last five years, or proof that the purchaser or transferee is exempt from the training requirement, as provided in subsection (2) of this section;

(b) The results of all required background checks are known and the purchaser or transferee (i) is not prohibited from owning or possessing a firearm under federal or state law and (ii) does not have a voluntary waiver of firearm rights currently in effect; ((~~or~~)) and

((~~(b)~~)) (c) Ten business days have elapsed from the date the licensed dealer requested the background check. ((~~However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this subsection shall be extended from ten business days to sixty days.~~

~~(2) Except as otherwise provided in this chapter, a licensed dealer may not deliver a semiautomatic assault rifle to a purchaser or transferee until ten business days have elapsed from the date of the purchase application or, in the case of a transfer, ten business days have elapsed from the date a background check is initiated.~~))

(2)(a) An applicant for the purchase or transfer of a firearm must provide a certificate of completion of a firearm safety training program within the last five years that is certified by the Washington state patrol and that, at a minimum, includes instruction on:

(i) Basic firearms safety rules;

(ii) Firearms and children, including secure gun storage and talking to children about gun safety;

(iii) Firearms and suicide prevention;

(iv) Secure gun storage to prevent unauthorized access and use;

(v) Safe handling of firearms;

(vi) State and federal firearms laws, including prohibited firearms transfers and locations where firearms are prohibited;

(vii) State laws pertaining to the use of deadly force for self-defense;

(viii) Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution; and

(ix) Live-fire shooting exercises on a firing range that include a demonstration by the applicant of the safe handling of, and shooting proficiency with firearms.

(b) The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The certificate of training shall be in the form and manner of documentation developed by the Washington state patrol under section 4 of this act.

(c) The training may include stories provided by individuals with lived experience in the topics listed in (a)(i) through (vii) of this subsection or an understanding of the legal and social impacts of discharging a firearm.

(d) The firearm safety training requirement of this subsection does not apply to:

(i) A person who is a peace officer certified in accordance with RCW 43.101.095(1); or

(ii) A person who is an active duty member of the armed forces of the United States, an active member of the national guard, or an active member of the armed forces reserves who, as part of the applicant's service, has completed, within the last five years, a course of training in firearms proficiency or familiarization that included training on the safe handling and shooting proficiency with firearms.

**Sec.**  RCW 9.41.110 and 2019 c 3 s 10 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(8)(a) No ((~~pistol or semiautomatic assault rifle~~)) firearm may be sold: (i) In violation of any provisions of ((~~RCW 9.41.010 through 9.41.810~~)) this chapter; nor (ii) ((~~may a pistol or semiautomatic assault rifle be sold~~)) under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

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

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

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

(b) One copy shall within six hours be sent by certified mail to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to RCW 9.41.090; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain for six years.

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

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

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

NEW SECTION. **Sec.**  A new section is added to chapter 43.43 RCW to read as follows:

The Washington state patrol shall establish a program to provide certifications of firearm safety training programs that meet the requirements of RCW 9.41.092. The Washington state patrol shall develop the form and manner of documentation for applicants for the purchase or transfer of a firearm to provide proof of completion of a certified firearm safety training program, and for use as proof of qualifying for an exemption from the firearm safety training requirement.

**Sec.**  RCW 9.41.090 and 2019 c 3 s 3 are each amended to read as follows:

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

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

~~(b)~~)) The dealer is notified ((~~in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides~~)) by the Washington state patrol firearms background check program that the purchaser is eligible to possess a ((~~pistol~~)) firearm under RCW 9.41.040 and that the application to purchase is approved ((~~by the chief of police or sheriff; or (ii) the state that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in subsection (3)(b) of this section~~)); ((~~or~~)) and

((~~(c)~~)) (b) The requirements ((~~or~~)) and time periods in RCW 9.41.092 have been satisfied.

(2) ((~~In addition to the other requirements of this chapter, no dealer may deliver a semiautomatic assault rifle to the purchaser thereof until:~~

~~(a) The purchaser provides proof that he or she has completed a recognized firearm safety training program within the last five years that, at a minimum, includes instruction on:~~

~~(i) Basic firearms safety rules;~~

~~(ii) Firearms and children, including secure gun storage and talking to children about gun safety;~~

~~(iii) Firearms and suicide prevention;~~

~~(iv) Secure gun storage to prevent unauthorized access and use;~~

~~(v) Safe handling of firearms; and~~

~~(vi) State and federal firearms laws, including prohibited firearms transfers.~~

~~The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury the training included the minimum requirements; and~~

~~(b) The dealer is notified in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a firearm under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in subsection (3)(b) of this section; or~~

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

~~(3)(a) Except as provided in (b) of this subsection, in~~)) In determining whether the purchaser meets the requirements of RCW 9.41.040, the ((~~chief of police or sheriff, or the designee of either,~~)) Washington state patrol firearms background check program shall check with ((~~the national crime information center, including~~)) the national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic database, the health care authority electronic database, the administrative office of the courts, LInX-NW, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

((~~(b) The state, through the legislature or initiative process, may enact a statewide firearms background check system equivalent to, or more comprehensive than, the check required by (a) of this subsection to determine that a purchaser is eligible to possess a firearm under RCW 9.41.040. Once a state system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms.~~

~~(4) In any case under this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol or semiautomatic assault rifle until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale, or the state pursuant to subsection (3)(b) of this section, shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol or semiautomatic assault rifle is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a firearm.~~

~~(5) In any case where the chief or sheriff of the local jurisdiction, or the state pursuant to subsection (3)(b) of this section, has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a firearm, the local jurisdiction or the state may hold the sale and delivery of the pistol or semiautomatic assault rifle up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court, superior court, or municipal court for good cause shown. A dealer shall be notified of each hold placed on the sale by local law enforcement or the state and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.~~

~~(6)~~)) (3)(a) At the time of applying for the purchase of a ((~~pistol or semiautomatic assault rifle~~)) firearm, the purchaser shall sign ((~~in triplicate~~)) and deliver to the dealer an application containing:

(i) His or her full name, residential address, date and place of birth, race, and gender;

(ii) The date and hour of the application;

(iii) The applicant's driver's license number or state identification card number;

(iv) A description of the ((~~pistol or semiautomatic assault rifle~~)) firearm including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of ((~~a pistol or semiautomatic assault rifle~~)) the firearm. If the manufacturer's number is not available at the time of applying for the purchase of a ((~~pistol or semiautomatic assault rifle~~)) firearm, the application may be processed, but delivery of the ((~~pistol or semiautomatic assault rifle~~)) firearm to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the ((~~chief of police of the municipality or the sheriff of the county in which the purchaser resides, or the state pursuant to subsection (3)(b) of this section~~)) Washington state patrol firearms background check program;

(v) A statement that the purchaser is eligible to purchase and possess a firearm under state and federal law; and

(vi) ((~~If purchasing a semiautomatic assault rifle, a~~)) A statement by the applicant under penalty of perjury that the applicant has completed a recognized firearm safety training program within the last five years, as required by ((~~subsection (2) of this section~~)) RCW 9.41.092.

(b) The application shall contain two warnings substantially stated as follows:

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

(ii) CAUTION: The presence of a firearm in the home has been associated with an increased risk of death to self and others, including an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms and firearms safety.

(c) The dealer shall, by the end of the business day, ((~~sign and attach his or her address and deliver a copy of the application and such other documentation as required under subsections (1) and (2) of this section to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to subsection (3)(b) of this section~~)) transmit the information from the application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The ((~~triplicate~~)) original application shall be retained by the dealer for six years.

(d) The dealer shall deliver the ((~~pistol or semiautomatic assault rifle~~)) firearm to the purchaser ((~~following~~)) once the requirements and period of time specified in this chapter ((~~unless the dealer is notified of an investigative hold under subsection (5) of this section in writing by the chief of police of the municipality, the sheriff of the county, or the state, whichever is applicable, or of the denial of the purchaser's application to purchase and the grounds thereof~~)) are satisfied. The application shall not be denied unless the purchaser is not eligible to purchase or possess the firearm under state or federal law.

((~~(d)~~)) (e) The ((~~chief of police of the municipality or the sheriff of the county, or the state pursuant to subsection (3)(b) of this section,~~)) Washington state patrol firearms background check program shall retain or destroy applications to purchase a ((~~pistol or semiautomatic assault rifle~~)) firearm in accordance with the requirements of 18 U.S.C. Sec. 922.

((~~(7)(a) To help offset the administrative costs of implementing this section as it relates to new requirements for semiautomatic assault rifles, the department of licensing may require the dealer to charge each semiautomatic assault rifle purchaser or transferee a fee not to exceed twenty-five dollars, except that the fee may be adjusted at the beginning of each biennium to levels not to exceed the percentage increase in the consumer price index for all urban consumers, CPI-W, or a successor index, for the previous biennium as calculated by the United States department of labor.~~

~~(b) The fee under (a) of this subsection shall be no more than is necessary to fund the following:~~

~~(i) The state for the cost of meeting its obligations under this section;~~

~~(ii) The health care authority, mental health institutions, and other health care facilities for state-mandated costs resulting from the reporting requirements imposed by RCW 9.41.097(1); and~~

~~(iii) Local law enforcement agencies for state-mandated local costs resulting from the requirements set forth under RCW 9.41.090 and this section.~~

~~(8)~~)) (4) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm is guilty of false swearing under RCW 9A.72.040.

((~~(9)~~)) (5) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.

**Sec.**  RCW 9.41.110 and 2019 c 3 s 10 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(8)(a) No ((~~pistol or semiautomatic assault rifle~~)) firearm may be sold: (i) In violation of any provisions of ((~~RCW 9.41.010 through 9.41.810~~)) this chapter; nor (ii) ((~~may a pistol or semiautomatic assault rifle be sold~~)) under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

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

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

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

(b) ((~~One copy shall within six hours be sent by certified mail to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to RCW 9.41.090; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain~~)) The dealer shall transmit the information from the application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The Washington state patrol firearms background check program shall transmit the application information to the director of licensing daily. The original application shall be retained by the dealer for six years.

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

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

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

**Sec.**  RCW 9.41.1135 and 2020 c 28 s 4 are each amended to read as follows:

(1) Beginning on the date that is thirty days after the Washington state patrol issues a notification to dealers that a state firearms background check system is established within the Washington state patrol under RCW 43.43.580, a dealer shall use the Washington state patrol firearms background check ((~~system~~)) program to conduct background checks for all firearms transfers. A dealer may not sell or transfer a firearm to an individual unless the dealer first contacts the Washington state patrol firearms background check program for a background check to determine the eligibility of the purchaser or transferee to possess a firearm under state and federal law and the requirements and time periods established in RCW 9.41.090 and 9.41.092 have been satisfied. ((~~When an applicant applies for the purchase or transfer of a pistol or semiautomatic assault rifle, a dealer shall comply with all requirements of this chapter that apply to the sale or transfer of a pistol or semiautomatic rifle. The purchase or transfer of a firearm that is not a pistol or semiautomatic assault rifle must be processed in the same manner and under the same requirements of this chapter that apply to the sale or transfer of a pistol, except that the provisions of RCW 9.41.129, and the requirement in RCW 9.41.110(9)(b) concerning transmitting application records to the director of licensing, shall not apply to these transactions.~~))

(2) A dealer shall charge a purchaser or transferee a background check fee in an amount determined by the Washington state patrol and remit the proceeds from the fee to the Washington state patrol on a monthly basis. The background check fee does not apply to any background check conducted in connection with a pawnbroker's receipt of a pawned firearm or the redemption of a pawned firearm.

(3) This section does not apply to sales or transfers to licensed dealers or to the sale or transfer of an antique firearm.

NEW SECTION. **Sec.**  2019 c 244 s 1 is repealed.

NEW SECTION. **Sec.**  Sections 5 through 7 of this act take effect January 1, 2024.

NEW SECTION. **Sec.**  Sections 1 and 3 of this act expire January 1, 2024.

**--- END ---**