
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 763 Session of
2017

INTRODUCED BY ORTITAY, TURZAI, NELSON, BAKER, BLOOM, CAUSER,
COOK, CORBIN, COX, CUTLER, DIAMOND, DOWLING, DUNBAR, DUSH,
EMRICK, ENGLISH, EVANKOVICH, EVERETT, FARRY, GABLER, GILLEN,
GOODMAN, GREINER, GROVE, A. HARRIS, HEFFLEY, PHILLIPS-HILL,
IRVIN, JAMES, KAUFFMAN, KEEFER, M. K. KELLER, KORTZ, MALONEY,
MCGINNIS, METCALFE, MILLARD, B. MILLER, MUSTIO, NESBIT,
NEUMAN, PETRARCA, PICKETT, PYLE, RAPP, READSHAW, REESE, ROAE,
RYAN, SACCONI, SANKEY, SAYLOR, SNYDER, SONNEY, STAATS,
TALLMAN, TOPPER, WALSH, WARD, WARNER, ZIMMERMAN AND
BERNSTINE, MARCH 9, 2017

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 9, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for definitions, for licenses,
4 for sale or transfer of firearms and for Pennsylvania State
5 Police, repealing provisions relating to firearm sales
6 surcharge and to the Firearm Records Check Fund and further
7 providing for licensing of dealers and for administrative
8 regulations.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 6102 of Title 18 of the Pennsylvania
12 Consolidated Statutes is amended by adding a definition to read:

13 § 6102. Definitions.

14 Subject to additional definitions contained in subsequent
15 provisions of this subchapter which are applicable to specific
16 provisions of this subchapter, the following words and phrases,
17 when used in this subchapter shall have, unless the context

1 clearly indicates otherwise, the meanings given to them in this
2 section:

3 * * *

4 "NICS." The National Instant Criminal Background Check
5 System maintained by the Federal Bureau of Investigation in
6 accordance with the Brady Handgun Violence Prevention Act
7 (Public Law 103-159, 107 Stat. 1536).

8 * * *

9 Section 2. Sections 6109(d)(5) and 6111(a), (b), (f), (g)(3)
10 and (j) of Title 18 are amended to read:

11 § 6109. Licenses.

12 * * *

13 (d) Sheriff to conduct investigation.--The sheriff to whom
14 the application is made shall:

15 * * *

16 (5) [conduct a criminal background, juvenile delinquency
17 and mental health check following the procedures set forth in
18 section 6111 (relating to sale or transfer of firearms),
19 receive a unique approval number for that inquiry and record
20 the date and number on the application.] contact the NICS
21 for the purpose of conducting a background check pursuant to
22 18 U.S.C. § 922(t) (relating to unlawful acts) and obtain a
23 unique identification number and a proceed response. The
24 unique identification number and date shall be recorded on
25 the application.

26 * * *

27 § 6111. Sale or transfer of firearms.

28 [(a) Time and manner of delivery.--

29 (1) Except as provided in paragraph (2), no seller shall
30 deliver a firearm to the purchaser or transferee thereof

1 until 48 hours shall have elapsed from the time of the
2 application for the purchase thereof, and, when delivered,
3 the firearm shall be securely wrapped and shall be unloaded.

4 (2) Thirty days after publication in the Pennsylvania
5 Bulletin that the Instantaneous Criminal History Records
6 Check System has been established in accordance with the
7 Brady Handgun Violence Prevention Act (Public Law 103-159, 18
8 U.S.C. § 921 et seq.), no seller shall deliver a firearm to
9 the purchaser thereof until the provisions of this section
10 have been satisfied, and, when delivered, the firearm shall
11 be securely wrapped and shall be unloaded.]

12 (b) Duty of seller.--No licensed importer, licensed
13 manufacturer or licensed dealer shall sell or deliver any
14 firearm to another person, other than a licensed importer,
15 licensed manufacturer, licensed dealer or licensed collector,
16 [until the conditions of subsection (a) have been satisfied and]
17 until he has:

18 (1) For purposes of a firearm as defined in section 6102
19 (relating to definitions), [obtained a completed
20 application/record of sale from the potential buyer or
21 transferee to be filled out in triplicate, the original copy
22 to be sent to the Pennsylvania State Police, postmarked via
23 first class mail, within 14 days of the sale, one copy to be
24 retained by the licensed importer, licensed manufacturer or
25 licensed dealer for a period of 20 years and one copy to be
26 provided to the purchaser or transferee. The form of this
27 application/record of sale shall be no more than one page in
28 length and shall be promulgated by the Pennsylvania State
29 Police and provided by the licensed importer, licensed
30 manufacturer or licensed dealer. The application/record of

1 sale shall include the name, address, birthdate, gender,
2 race, physical description and Social Security number of the
3 purchaser or transferee, the date of the application and the
4 caliber, length of barrel, make, model and manufacturer's
5 number of the firearm to be purchased or transferred. The
6 application/record of sale shall also contain] provided a
7 notice to the potential buyer or transferee which contains
8 the following question:

9 Are you the actual buyer of the firearm(s), as defined
10 under 18 Pa.C.S. § 6102 (relating to definitions), listed
11 on this application/record of sale? Warning: You are not
12 the actual buyer if you are acquiring the firearm(s) on
13 behalf of another person, unless you are legitimately
14 acquiring the firearm as a gift for any of the following
15 individuals who are legally eligible to own a firearm:

- 16 (1) spouse;
- 17 (2) parent;
- 18 (3) child;
- 19 (4) grandparent; or
- 20 (5) grandchild.

21 (1.1) [On the date of publication in the Pennsylvania
22 Bulletin of a notice by the Pennsylvania State Police that
23 the instantaneous records check has been implemented, all of
24 the following shall apply:

25 (i) In the event of an electronic failure under
26 section 6111.1(b)(2) (relating to Pennsylvania State
27 Police) for purposes of a firearm which exceeds the
28 barrel and related lengths set forth in section 6102,
29 obtained a completed application/record of sale from the
30 potential buyer or transferee to be filled out in

1 triplicate, the original copy to be sent to the
2 Pennsylvania State Police, postmarked via first class
3 mail, within 14 days of sale, one copy to be retained by
4 the licensed importer, licensed manufacturer or licensed
5 dealer for a period of 20 years and one copy to be
6 provided to the purchaser or transferee.

7 (ii) The form of the application/record of sale
8 shall be no more than one page in length and shall be
9 promulgated by the Pennsylvania State Police and provided
10 by the licensed importer, licensed manufacturer or
11 licensed dealer.

12 (iii) For purposes of conducting the criminal
13 history, juvenile delinquency and mental health records
14 background check which shall be completed within ten days
15 of receipt of the information from the dealer, the
16 application/record of sale shall include the name,
17 address, birthdate, gender, race, physical description
18 and Social Security number of the purchaser or transferee
19 and the date of application.

20 (iv) No information regarding the type of firearm
21 need be included other than an indication that the
22 firearm exceeds the barrel lengths set forth in section
23 6102.

24 (v) Unless it has been discovered pursuant to a
25 criminal history, juvenile delinquency and mental health
26 records background check that the potential purchaser or
27 transferee is prohibited from possessing a firearm
28 pursuant to section 6105 (relating to persons not to
29 possess, use, manufacture, control, sell or transfer
30 firearms), no information on the application/record of

1 sale provided pursuant to this subsection shall be
2 retained as precluded by section 6111.4 (relating to
3 registration of firearms) by the Pennsylvania State
4 Police either through retention of the application/record
5 of sale or by entering the information onto a computer,
6 and, further, an application/record of sale received by
7 the Pennsylvania State Police pursuant to this subsection
8 shall be destroyed within 72 hours of the completion of
9 the criminal history, juvenile delinquency and mental
10 health records background check.] (Reserved).

11 (1.2) [Fees collected under paragraph (3) and section
12 6111.2 (relating to firearm sales surcharge) shall be
13 transmitted to the Pennsylvania State Police within 14 days
14 of collection.] (Reserved).

15 (1.3) In addition to the criminal penalty under section
16 6119 (relating to violation penalty), any person who
17 knowingly and intentionally [maintains or fails to destroy
18 any information submitted to the Pennsylvania State Police
19 for purposes of a background check pursuant to paragraphs
20 (1.1) and (1.4) or] violates section 6111.4 shall be subject
21 to a civil penalty of \$250 per violation[, entry or failure
22 to destroy.

23 (1.4) Following implementation of the instantaneous
24 records check by the Pennsylvania State Police on or before
25 December 1, 1998, no application/record of sale shall be
26 completed for the purchase or transfer of a firearm which
27 exceeds the barrel lengths set forth in section 6102. A
28 statement shall be submitted by the dealer to the
29 Pennsylvania State Police, postmarked via first class mail,
30 within 14 days of the sale, containing the number of firearms

1 sold which exceed the barrel and related lengths set forth in
2 section 6102, the amount of surcharge and other fees remitted
3 and a list of the unique approval numbers given pursuant to
4 paragraph (4), together with a statement that the background
5 checks have been performed on the firearms contained in the
6 statement. The form of the statement relating to performance
7 of background checks shall be promulgated by the Pennsylvania
8 State Police.]_.

9 (1.5) Contacted the NICS for the purpose of conducting a
10 background check pursuant to 18 U.S.C. § 922(t) (relating to
11 unlawful acts) and obtained a unique identification number
12 and a proceed response.

13 (2) Inspected photoidentification of the potential
14 purchaser or transferee, including, but not limited to, a
15 driver's license, official Pennsylvania photoidentification
16 card or official government photoidentification card. In the
17 case of a potential buyer or transferee who is a member of a
18 recognized religious sect or community whose tenets forbid or
19 discourage the taking of photographs of members of that sect
20 or community, a seller shall accept a valid-without-photo
21 driver's license or a combination of documents, as prescribed
22 by the Pennsylvania State Police, containing the applicant's
23 name, address, date of birth and the signature of the
24 applicant.

25 [(3) Requested by means of a telephone call that the
26 Pennsylvania State Police conduct a criminal history,
27 juvenile delinquency history and a mental health record
28 check. The purchaser and the licensed dealer shall provide
29 such information as is necessary to accurately identify the
30 purchaser. The requester shall be charged a fee equivalent to

1 the cost of providing the service but not to exceed \$2 per
2 buyer or transferee.

3 (4) Received a unique approval number for that inquiry
4 from the Pennsylvania State Police and recorded the date and
5 the number on the application/record of sale form.

6 (5) Issued a receipt containing the information from
7 paragraph (4), including the unique approval number of the
8 purchaser. This receipt shall be prima facie evidence of the
9 purchaser's or transferee's compliance with the provisions of
10 this section.

11 (6) Unless it has been discovered pursuant to a criminal
12 history, juvenile delinquency and mental health records
13 background check that the potential purchaser or transferee
14 is prohibited from possessing a firearm pursuant to section
15 6105, no information received via telephone following the
16 implementation of the instantaneous background check system
17 from a purchaser or transferee who has received a unique
18 approval number shall be retained by the Pennsylvania State
19 Police.

20 (7) For purposes of the enforcement of 18 U.S.C. §
21 922(d)(9), (g)(1) and (s)(1) (relating to unlawful acts), in
22 the event the criminal history or juvenile delinquency
23 background check indicates a conviction for a misdemeanor
24 that the Pennsylvania State Police cannot determine is or is
25 not related to an act of domestic violence, the Pennsylvania
26 State Police shall issue a temporary delay of the approval of
27 the purchase or transfer. During the temporary delay, the
28 Pennsylvania State Police shall conduct a review or
29 investigation of the conviction with courts, local police
30 departments, district attorneys and other law enforcement or

1 related institutions as necessary to determine whether or not
2 the misdemeanor conviction involved an act of domestic
3 violence. The Pennsylvania State Police shall conduct the
4 review or investigation as expeditiously as possible. No
5 firearm may be transferred by the dealer to the purchaser who
6 is the subject of the investigation during the temporary
7 delay. The Pennsylvania State Police shall notify the dealer
8 of the termination of the temporary delay and either deny the
9 sale or provide the unique approval number under paragraph
10 (4).]

11 * * *

12 (f) Application of section.--

13 (1) For the purposes of this section only, except as
14 provided by paragraph (2), "firearm" shall mean any weapon
15 which is designed to or may readily be converted to expel any
16 projectile by the action of an explosive or the frame or
17 receiver of any such weapon.

18 (2) The provisions contained in [subsections (a) and]
19 subsection (c) shall only apply to pistols or revolvers with
20 a barrel length of less than 15 inches, any shotgun with a
21 barrel length of less than 18 inches, any rifle with a barrel
22 length of less than 16 inches or any firearm with an overall
23 length of less than 26 inches.

24 (3) The provisions contained in subsection [(a)] (b)
25 (1.5) shall not apply to any law enforcement officer whose
26 current identification as a law enforcement officer shall be
27 construed as a valid license to carry a firearm or any person
28 who possesses a valid license to carry a firearm under
29 section 6109 (relating to licenses).

30 [(4) (i) The provisions of subsection (a) shall not

1 apply to any person who presents to the seller or
2 transferor a written statement issued by the official
3 described in subparagraph (iii) during the ten-day period
4 ending on the date of the most recent proposal of such
5 transfer or sale by the transferee or purchaser stating
6 that the transferee or purchaser requires access to a
7 firearm because of a threat to the life of the transferee
8 or purchaser or any member of the household of that
9 transferee or purchaser.

10 (ii) The issuing official shall notify the
11 applicant's local police authority that such a statement
12 has been issued. In counties of the first class the chief
13 of police shall notify the police station or substation
14 closest to the applicant's residence.

15 (iii) The statement issued under subparagraph (ii)
16 shall be issued by the district attorney, or his
17 designee, of the county of residence if the transferee or
18 purchaser resides in a municipality where there is no
19 chief of police. Otherwise, the statement shall be issued
20 by the chief of police in the municipality in which the
21 purchaser or transferee resides.]

22 (g) Penalties.--

23 * * *

24 (3) Any person, licensed dealer, licensed manufacturer
25 or licensed importer who knowingly and intentionally requests
26 a [criminal history, juvenile delinquency or mental health
27 record check or other confidential information from the
28 Pennsylvania State Police under this chapter] NICS check for
29 any purpose other than compliance with this chapter or
30 knowingly and intentionally disseminates any [criminal

1 history, juvenile delinquency or mental health record]
2 information obtained from a NICS check or other confidential
3 information to any person other than the subject of the
4 information commits a felony of the third degree.

5 * * *

6 (j) Exemption.--

7 (1) The provisions of [subsections (a) and] subsection
8 (b) shall not apply to:

9 (i) sales between Federal firearms licensees; or

10 (ii) the purchase of firearms by a chief law
11 enforcement officer or his designee, for the official use
12 of law enforcement officers.

13 (2) For the purposes of this subsection, the term "chief
14 law enforcement officer" shall include the Commissioner of
15 the Pennsylvania State Police, the chief or head of a police
16 department, a county sheriff or any equivalent law
17 enforcement official.

18 Section 3. Section 6111.1(b)(1), (2) and (3), (c), (e), (i),
19 (j.1), (j.2) and (j.3) of Title 18 are amended and the section
20 is amended by adding subsections to read:

21 § 6111.1. Pennsylvania State Police.

22 * * *

23 (b) Duty of Pennsylvania State Police.--

24 [(1) Upon receipt of a request for a criminal history,
25 juvenile delinquency history and mental health record check
26 of the potential purchaser or transferee, the Pennsylvania
27 State Police shall immediately during the licensee's call or
28 by return call forthwith:

29 (i) review the Pennsylvania State Police criminal
30 history and fingerprint records to determine if the

1 potential purchaser or transferee is prohibited from
2 receipt or possession of a firearm under Federal or State
3 law;

4 (ii) review the juvenile delinquency and mental
5 health records of the Pennsylvania State Police to
6 determine whether the potential purchaser or transferee
7 is prohibited from receipt or possession of a firearm
8 under Federal or State law; and

9 (iii) inform the licensee making the inquiry either:

10 (A) that the potential purchase or transfer is
11 prohibited; or

12 (B) provide the licensee with a unique approval
13 number.

14 (2) In the event of electronic failure, scheduled
15 computer downtime or similar event beyond the control of the
16 Pennsylvania State Police, the Pennsylvania State Police
17 shall immediately notify the requesting licensee of the
18 reason for and estimated length of the delay. If the failure
19 or event lasts for a period exceeding 48 hours, the dealer
20 shall not be subject to any penalty for completing a
21 transaction absent the completion of an instantaneous records
22 check for the remainder of the failure or similar event, but
23 the dealer shall obtain a completed application/record of
24 sale following the provisions of section 6111(b)(1) and (1.1)
25 (relating to sale or transfer of firearms) as if an
26 instantaneous records check has not been established for any
27 sale or transfer of a firearm for the purpose of a subsequent
28 background check.

29 (3) The Pennsylvania State Police shall fully comply,
30 execute and enforce the directives of this section as

1 follows:

2 (i) The instantaneous background check for firearms
3 as defined in section 6102 (relating to definitions)
4 shall begin on July 1, 1998.

5 (ii) The instantaneous background check for firearms
6 that exceed the barrel lengths set forth in section 6102
7 shall begin on the later of:

8 (A) the date of publication of the notice under
9 section 6111(a)(2); or

10 (B) December 31, 1998.]

11 * * *

12 [(c) Establish a telephone number.--The Pennsylvania State
13 Police shall establish a telephone number which shall be
14 operational seven days a week between the hours of 8 a.m. and 10
15 p.m. local time for purposes of responding to inquiries as
16 described in this section from licensed manufacturers, licensed
17 importers and licensed dealers. The Pennsylvania State Police
18 shall employ and train such personnel as are necessary to
19 administer expeditiously the provisions of this section.]

20 * * *

21 (e) Challenge to records.--

22 (1) Any person who is denied the right to receive, sell,
23 transfer, possess, carry, manufacture or purchase a firearm
24 as a result of the [procedures established by this section]
25 information recorded in a registry of the Pennsylvania State
26 Police may challenge the accuracy of that person's criminal
27 history, juvenile delinquency history or mental health record
28 [pursuant to a denial by the instantaneous records check] by
29 submitting a challenge to the Pennsylvania State Police
30 within 30 days from the date of the denial.

1 (2) The Pennsylvania State Police shall conduct a review
2 of the accuracy of the information forming the basis for the
3 denial and shall have the burden of proving the accuracy of
4 the record. Within 20 days after receiving a challenge, the
5 Pennsylvania State Police shall notify the challenger of the
6 basis for the denial, including, but not limited to, the
7 jurisdiction and docket number of any relevant court decision
8 and provide the challenger an opportunity to provide
9 additional information for the purposes of the review. The
10 Pennsylvania State Police shall communicate its final
11 decision to the challenger within 60 days of the receipt of
12 the challenge. The decision of the Pennsylvania State Police
13 shall include all information which formed a basis for the
14 decision.

15 (3) If the challenge is ruled invalid, the person shall
16 have the right to appeal the decision to the Attorney General
17 within 30 days of the decision. The Attorney General shall
18 conduct a hearing de novo in accordance with the
19 Administrative Agency Law. The burden of proof shall be upon
20 the Commonwealth.

21 (4) The decision of the Attorney General may be appealed
22 to the Commonwealth Court by an aggrieved party.

23 (5) Pursuant to the memorandum of understanding under
24 subsection (j.4), the Pennsylvania State Police shall report
25 to the National Instant Criminal Background Check System
26 Index, Denied Persons Files, the name and other available
27 identifying information of any person who successfully
28 challenges the accuracy of that person's criminal history,
29 juvenile delinquency history or mental health record under
30 this subsection.

1 * * *

2 [(i) Reports.--The Pennsylvania State Police shall annually
3 compile and report to the General Assembly, on or before
4 December 31, the following information for the previous year:

5 (1) number of firearm sales, including the types of
6 firearms;

7 (2) number of applications for sale of firearms denied,
8 number of challenges of the denials and number of final
9 reversals of initial denials;

10 (3) summary of the Pennsylvania State Police's
11 activities, including the average time taken to complete a
12 criminal history, juvenile delinquency history or mental
13 health record check; and

14 (4) uniform crime reporting statistics compiled by the
15 Pennsylvania State Police based on the National Incident-
16 based Reporting System.]

17 * * *

18 [(j.1) Delinquency and mental health records.--The
19 provisions of this section which relate to juvenile delinquency
20 and mental health records checks shall be applicable when the
21 data has been made available to the Pennsylvania State Police
22 but not later than October 11, 1999.

23 (j.2) Records check.--The provisions of this section which
24 relate to the instantaneous records check conducted by telephone
25 shall be applicable 30 days following notice by the Pennsylvania
26 State Police pursuant to section 6111(a)(2).]

27 (j.3) Immunity.--[The Pennsylvania State Police and its
28 employees shall be immune from actions for damages for the use
29 of a firearm by a purchaser or for the unlawful transfer of a
30 firearm by a dealer unless the act of the Pennsylvania State

1 Police or its employees constitutes a crime, actual fraud,
2 actual malice or willful misconduct.] Unless the act of the
3 Pennsylvania State Police or its employees constitutes a crime,
4 actual fraud, actual malice or willful misconduct, the
5 Pennsylvania State Police and its employees shall be immune from
6 actions for damages for:

7 (1) the use of a firearm by a purchaser or lawful owner;
8 or

9 (2) the unlawful transfer of a firearm by a dealer.

10 (j.4) Report of State prohibitors to NICS.--The Pennsylvania
11 State Police shall, in accordance with Federal and State law
12 regarding confidentiality, enter into a memorandum of
13 understanding with the Federal Bureau of Investigation for the
14 purpose of implementing the NICS in this Commonwealth. The
15 Pennsylvania State Police shall, as soon as possible but within
16 72 hours of receipt, report, electronically or otherwise, to the
17 NICS, the name and other available identifying information of
18 any person who:

19 (1) under section 6105, may not possess, use, control,
20 sell, transfer or manufacture a firearm in this Commonwealth;
21 or

22 (2) was previously reported under paragraph (1) or any
23 predecessor statute or agreement and may currently possess,
24 use, control, sell, transfer or manufacture a firearm in this
25 Commonwealth.

26 (j.5) Report of court orders to NICS.--The Pennsylvania
27 State Police shall, as soon as possible but within 72 hours of
28 receipt, report, electronically or otherwise, to the NICS, any
29 record relevant to a determination of whether a person is
30 disqualified from possessing or receiving a firearm under 18

1 U.S.C. § 922(g) (8) or (9) and any record relevant to a
2 determination of whether a person is not disqualified or is no
3 longer disqualified from possessing or receiving a firearm under
4 18 U.S.C. § 922(g) (8) or (9).

5 * * *

6 Section 4. Sections 6111.2 and 6111.3 of Title 18 are
7 repealed:

8 [§ 6111.2. Firearm sales surcharge.

9 (a) Surcharge imposed.--There is hereby imposed on each sale
10 of a firearm subject to tax under Article II of the act of March
11 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, an
12 additional surcharge of \$3. This shall be referred to as the
13 Firearm Sale Surcharge. All moneys received from this surcharge
14 shall be deposited in the Firearm Instant Records Check Fund.

15 (b) Increases or decreases.--Five years from the effective
16 date of this subsection, and every five years thereafter, the
17 Pennsylvania State Police shall provide such information as
18 necessary to the Legislative Budget and Finance Committee for
19 the purpose of reviewing the need to increase or decrease the
20 instant check fee. The committee shall issue a report of its
21 findings and recommendations to the General Assembly for a
22 statutory change in the fee.

23 (c) Revenue sources.--Funds received under the provisions of
24 this section and section 6111(b) (3) (relating to sale or
25 transfer of firearms), as estimated and certified by the
26 Secretary of Revenue, shall be deposited within five days of the
27 end of each quarter into the fund.

28 (d) Definition.--As used in this section only, the term
29 "firearm" shall mean any weapon which is designed to or may
30 readily be converted to expel any projectile by the action of an

1 explosion or the frame or receiver of any such weapon.

2 § 6111.3. Firearm Records Check Fund.

3 (a) Establishment.--The Firearm Records Check Fund is hereby
4 established as a restricted account in the State Treasury,
5 separate and apart from all other public money or funds of the
6 Commonwealth, to be appropriated annually by the General
7 Assembly, for use in carrying out the provisions of section 6111
8 (relating to firearm ownership). The moneys in the fund on June
9 1, 1998, are hereby appropriated to the Pennsylvania State
10 Police.

11 (b) Source.--The source of the fund shall be moneys
12 collected and transferred under section 6111.2 (relating to
13 firearm sales surcharge) and moneys collected and transferred
14 under section 6111(b)(3).]

15 Section 5. Sections 6113(a) and 6124 of Title 18 are amended
16 to read:

17 § 6113. Licensing of dealers.

18 (a) General rule.--The chief or head of any police force or
19 police department of a city, and, elsewhere, the sheriff of the
20 county, shall grant to reputable applicants licenses, in form
21 prescribed by the Pennsylvania State Police, effective for three
22 years from date of issue, permitting the licensee to sell
23 firearms direct to the consumer, subject to the following
24 conditions in addition to those specified in section 6111
25 (relating to sale or transfer of firearms), for breach of any of
26 which the license shall be forfeited and the licensee subject to
27 punishment as provided in this subchapter:

28 (1) The business shall be carried on only upon the
29 premises designated in the license or at a lawful gun show or
30 meet.

1 (2) The license, or a copy thereof, certified by the
2 issuing authority, shall be displayed on the premises where
3 it can easily be read.

4 (3) No firearm shall be sold in violation of any
5 provision of this subchapter.

6 (4) No firearm shall be sold under any circumstances
7 unless the purchaser is personally known to the seller or
8 shall present clear evidence of the purchaser's identity.

9 [(5) A true record in triplicate shall be made of every
10 firearm sold, in a book kept for the purpose, the form of
11 which may be prescribed by the Pennsylvania State Police, and
12 shall be personally signed by the purchaser and by the person
13 effecting the sale, each in the presence of the other, and
14 shall contain the information required by section 6111. The
15 record shall be maintained by the licensee for a period of 20
16 years.]

17 (6) No firearm as defined in section 6102 (relating to
18 definitions) shall be displayed in any part of any premises
19 where it can readily be seen from the outside. In the event
20 that the Commissioner of the Pennsylvania State Police shall
21 find a clear and present danger to public safety within this
22 Commonwealth or any area thereof, firearms shall be stored
23 and safeguarded pursuant to regulations to be established by
24 the Pennsylvania State Police by the licensee during the
25 hours when the licensee is closed for business.

26 (7) The dealer shall possess all applicable current
27 revenue licenses.

28 * * *

29 § 6124. Administrative regulations.

30 The commissioner may establish form specifications and

1 regulations, consistent with section 6109(c) (relating to
2 licenses), with respect to uniform forms control, including the
3 following:

- 4 (1) License to carry firearms.
- 5 (2) Firearm registration.
- 6 (3) Dealer's license.
- 7 [(4) Application for purchase of a firearm.
- 8 (5) Record of sale of firearms.]

9 Section 6. This act shall take effect June 1, 2017, or
10 immediately, whichever is later.