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HOUSE BILL 1144

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State of Washington

68th Legislature

2023 Regular Session

By Representative Berry

Prefiled 01/05/23.

1 AN ACT Relating to enhancing requirements for the purchase or  
2 transfer of firearms by establishing a 10-day waiting period,  
3 requiring firearms safety training, prohibiting firearms transfers  
4 prior to completion of a background check, and updating and creating  
5 consistency in firearms transfer and background check procedures;  
6 amending RCW 9.41.090, 9.41.092, 9.41.110, 9.41.090, 9.41.110, and  
7 9.41.1135; adding a new section to chapter 43.43 RCW; repealing 2019  
8 c 244 s 1; providing an effective date; and providing an expiration  
9 date.

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

11 **Sec. 1.** RCW 9.41.090 and 2019 c 3 s 3 are each amended to read  
12 as follows:

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

16 (a) ~~((The purchaser produces a valid concealed pistol license and  
17 the dealer has recorded the purchaser's name, license number, and  
18 issuing agency, such record to be made in triplicate and processed as  
19 provided in subsection (6) of this section. For purposes of this  
20 subsection (1)(a), a "valid concealed pistol license" does not  
21 include a temporary emergency license, and does not include any~~

1 license issued before July 1, 1996, unless the issuing agency  
2 conducted a records search for disqualifying crimes under RCW  
3 9.41.070 at the time of issuance;

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

11 ~~((e))~~ (b) The requirements ~~((or))~~ and time periods in RCW  
12 9.41.092 have been satisfied.

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

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

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

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

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

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

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

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

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

35 ~~(b) The dealer is notified in writing by (i) the chief of police~~  
36 ~~or the sheriff of the jurisdiction in which the purchaser resides~~  
37 ~~that the purchaser is eligible to possess a firearm under~~  
38 ~~RCW 9.41.040 and that the application to purchase is approved by the~~  
39 ~~chief of police or sheriff; or (ii) the state that the purchaser is~~

1 ~~eligible to possess a firearm under RCW 9.41.040, as provided in~~  
2 ~~subsection (3)(b) of this section; or~~

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

5 ~~(3))~~ (a) Except as provided in (b) of this subsection, in  
6 determining whether the purchaser meets the requirements of RCW  
7 9.41.040, the chief of police or sheriff, or the designee of either,  
8 shall check with the national crime information center, including the  
9 national instant criminal background check system, provided for by  
10 the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et  
11 seq.), the Washington state patrol electronic database, the health  
12 care authority electronic database, and with other agencies or  
13 resources as appropriate, to determine whether the applicant is  
14 ineligible under RCW 9.41.040 to possess a firearm.

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

24 ~~((4) In any case under this section where the applicant has an~~  
25 ~~outstanding warrant for his or her arrest from any court of competent~~  
26 ~~jurisdiction for a felony or misdemeanor, the dealer shall hold the~~  
27 ~~delivery of the pistol or semiautomatic assault rifle until the~~  
28 ~~warrant for arrest is served and satisfied by appropriate court~~  
29 ~~appearance. The local jurisdiction for purposes of the sale, or the~~  
30 ~~state pursuant to subsection (3)(b) of this section, shall confirm~~  
31 ~~the existence of outstanding warrants within seventy-two hours after~~  
32 ~~notification of the application to purchase a pistol or semiautomatic~~  
33 ~~assault rifle is received. The local jurisdiction shall also~~  
34 ~~immediately confirm the satisfaction of the warrant on request of the~~  
35 ~~dealer so that the hold may be released if the warrant was for an~~  
36 ~~offense other than an offense making a person ineligible under RCW~~  
37 ~~9.41.040 to possess a firearm.~~

38 ~~(5) In any case where the chief or sheriff of the local~~  
39 ~~jurisdiction, or the state pursuant to subsection (3)(b) of this~~  
40 ~~section, has reasonable grounds based on the following circumstances:~~

1 ~~(a) Open criminal charges, (b) pending criminal proceedings, (c)~~  
2 ~~pending commitment proceedings, (d) an outstanding warrant for an~~  
3 ~~offense making a person ineligible under RCW 9.41.040 to possess a~~  
4 ~~firearm, or (e) an arrest for an offense making a person ineligible~~  
5 ~~under RCW 9.41.040 to possess a firearm, if the records of~~  
6 ~~disposition have not yet been reported or entered sufficiently to~~  
7 ~~determine eligibility to purchase a firearm, the local jurisdiction~~  
8 ~~or the state may hold the sale and delivery of the pistol or~~  
9 ~~semiautomatic assault rifle up to thirty days in order to confirm~~  
10 ~~existing records in this state or elsewhere. After thirty days, the~~  
11 ~~hold will be lifted unless an extension of the thirty days is~~  
12 ~~approved by a local district court, superior court, or municipal~~  
13 ~~court for good cause shown. A dealer shall be notified of each hold~~  
14 ~~placed on the sale by local law enforcement or the state and of any~~  
15 ~~application to the court for additional hold period to confirm~~  
16 ~~records or confirm the identity of the applicant.~~

17 ~~(6))~~ (3)(a) At the time of applying for the purchase of ((  
18 ~~pistol or semiautomatic assault rifle~~)) any firearm, the purchaser  
19 shall sign in triplicate and deliver to the dealer an application  
20 containing:

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

23 (ii) The date and hour of the application;

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

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

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

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

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

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

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

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

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

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

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

6       ~~((7))~~ (4)(a) To help offset the administrative costs of  
7 implementing this section as it relates to new requirements for  
8 semiautomatic assault rifles, the department of licensing may require  
9 the dealer to charge each semiautomatic assault rifle purchaser or  
10 transferee a fee not to exceed twenty-five dollars, except that the  
11 fee may be adjusted at the beginning of each biennium to levels not  
12 to exceed the percentage increase in the consumer price index for all  
13 urban consumers, CPI-W, or a successor index, for the previous  
14 biennium as calculated by the United States department of labor.

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

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

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

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

25       ~~((8))~~ (5) A person who knowingly makes a false statement  
26 regarding identity or eligibility requirements on the application to  
27 purchase a firearm is guilty of false swearing under RCW 9A.72.040.

28       ~~((9))~~ (6) This section does not apply to sales to licensed  
29 dealers for resale or to the sale of antique firearms.

30       **Sec. 2.** RCW 9.41.092 and 2019 c 3 s 4 are each amended to read  
31 as follows:

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

36       (a) The purchaser or transferee produces a certificate of  
37 completion of a certified firearm safety training program within the  
38 last five years, or proof that the purchaser or transferee is exempt

1 from the training requirement, as provided in subsection (2) of this  
2 section;

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

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

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

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

25 (i) Basic firearms safety rules;

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

28 (iii) Firearms and suicide prevention;

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

30 (v) Safe handling of firearms;

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (4) The duly constituted licensing authorities of any city, town,  
39 or political subdivision of this state shall grant licenses in forms

1 prescribed by the director of licensing effective for not more than  
2 one year from the date of issue permitting the licensee to sell  
3 firearms within this state subject to the following conditions, for  
4 breach of any of which the license shall be forfeited and the  
5 licensee subject to punishment as provided in (~~RCW 9.41.010 through~~  
6 ~~9.41.810~~) this chapter. A licensing authority shall forward a copy  
7 of each license granted to the department of licensing. The  
8 department of licensing shall notify the department of revenue of the  
9 name and address of each dealer licensed under this section.

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

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

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

36 (b) A dealer may conduct business temporarily at a location other  
37 than the building designated in the license, if the temporary  
38 location is within Washington state and is the location of a gun show  
39 sponsored by a national, state, or local organization, or an  
40 affiliate of any such organization, devoted to the collection,

1 competitive use, or other sporting use of firearms in the community.  
2 Nothing in this subsection (6)(b) authorizes a dealer to conduct  
3 business in or from a motorized or towed vehicle.

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

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

16 (8) (a) No (~~(pistol or semiautomatic assault rifle)~~) firearm may  
17 be sold: (i) In violation of any provisions of (~~(RCW 9.41.010 through~~  
18 ~~9.41.810)~~) this chapter; nor (ii) (~~(may a pistol or semiautomatic~~  
19 ~~assault rifle be sold)~~) under any circumstances unless the purchaser  
20 is personally known to the dealer or shall present clear evidence of  
21 his or her identity.

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

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

34 (9) (a) A true record in triplicate shall be made of every  
35 (~~(pistol or semiautomatic assault rifle)~~) firearm sold, in a book  
36 kept for the purpose, the form of which may be prescribed by the  
37 director of licensing and shall be personally signed by the purchaser  
38 and by the person effecting the sale, each in the presence of the  
39 other, and shall contain the date of sale, the caliber, make, model  
40 and manufacturer's number of the weapon, the name, address,

1 occupation, and place of birth of the purchaser, and a statement  
2 signed by the purchaser that he or she is not ineligible under state  
3 or federal law to possess a firearm.

4 (b) One copy shall within six hours be sent by certified mail to  
5 the chief of police of the municipality or the sheriff of the county  
6 of which the purchaser is a resident, or the state pursuant to RCW  
7 9.41.090; the duplicate the dealer shall within seven days send to  
8 the director of licensing; the triplicate the dealer shall retain for  
9 six years.

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

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

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

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.43  
23 RCW to read as follows:

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

32 **Sec. 5.** RCW 9.41.090 and 2019 c 3 s 3 are each amended to read  
33 as follows:

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

37 (a) (~~The purchaser produces a valid concealed pistol license and~~  
38 ~~the dealer has recorded the purchaser's name, license number, and~~

1 issuing agency, such record to be made in triplicate and processed as  
2 provided in subsection (6) of this section. For purposes of this  
3 subsection (1)(a), a "valid concealed pistol license" does not  
4 include a temporary emergency license, and does not include any  
5 license issued before July 1, 1996, unless the issuing agency  
6 conducted a records search for disqualifying crimes under RCW  
7 9.41.070 at the time of issuance;

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

16 ((c)) (b) The requirements ((or)) and time periods in RCW  
17 9.41.092 have been satisfied.

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

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

24 (i) Basic firearms safety rules;

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

27 (iii) Firearms and suicide prevention;

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

29 (v) Safe handling of firearms; and

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

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

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

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

10 ~~(3) (a) Except as provided in (b) of this subsection, in)) In~~  
11 ~~determining whether the purchaser meets the requirements of RCW~~  
12 ~~9.41.040, the ((chief of police or sheriff, or the designee of~~  
13 ~~either,)) Washington state patrol firearms background check program~~  
14 ~~shall check with ((the national crime information center, including))~~  
15 ~~the national instant criminal background check system, provided for~~  
16 ~~by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et~~  
17 ~~seq.), the Washington state patrol electronic database, the health~~  
18 ~~care authority electronic database, the administrative office of the~~  
19 ~~courts, LInX-NW, and with other agencies or resources as appropriate,~~  
20 ~~to determine whether the applicant is ineligible under RCW 9.41.040~~  
21 ~~to possess a firearm.~~

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

31 ~~(4) In any case under this section where the applicant has an~~  
32 ~~outstanding warrant for his or her arrest from any court of competent~~  
33 ~~jurisdiction for a felony or misdemeanor, the dealer shall hold the~~  
34 ~~delivery of the pistol or semiautomatic assault rifle until the~~  
35 ~~warrant for arrest is served and satisfied by appropriate court~~  
36 ~~appearance. The local jurisdiction for purposes of the sale, or the~~  
37 ~~state pursuant to subsection (3) (b) of this section, shall confirm~~  
38 ~~the existence of outstanding warrants within seventy-two hours after~~  
39 ~~notification of the application to purchase a pistol or semiautomatic~~  
40 ~~assault rifle is received. The local jurisdiction shall also~~

1 immediately confirm the satisfaction of the warrant on request of the  
2 dealer so that the hold may be released if the warrant was for an  
3 offense other than an offense making a person ineligible under RCW  
4 9.41.040 to possess a firearm.

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

24 (6)) (3)(a) At the time of applying for the purchase of a  
25 ((pistol or semiautomatic assault rifle)) firearm, the purchaser  
26 shall sign ((in triplicate)) and deliver to the dealer an application  
27 containing:

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

30 (ii) The date and hour of the application;

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

33 (iv) A description of the ((pistol or semiautomatic assault  
34 rifle)) firearm including the make, model, caliber and manufacturer's  
35 number if available at the time of applying for the purchase of ((a  
36 pistol or semiautomatic assault rifle)) the firearm. If the  
37 manufacturer's number is not available at the time of applying for  
38 the purchase of a ((pistol or semiautomatic assault rifle)) firearm,  
39 the application may be processed, but delivery of the ((pistol or  
40 semiautomatic assault rifle)) firearm to the purchaser may not occur

1 unless the manufacturer's number is recorded on the application by  
2 the dealer and transmitted to the ~~((chief of police of the  
3 municipality or the sheriff of the county in which the purchaser  
4 resides, or the state pursuant to subsection (3)(b) of this section))~~  
5 Washington state patrol firearms background check program;

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

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

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

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

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

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

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

37 (d) The dealer shall deliver the ~~((pistol or semiautomatic  
38 assault rifle))~~ firearm to the purchaser ~~((following))~~ once the  
39 requirements and period of time specified in this chapter ~~((unless~~

1 ~~the dealer is notified of an investigative hold under subsection (5)~~  
2 ~~of this section in writing by the chief of police of the~~  
3 ~~municipality, the sheriff of the county, or the state, whichever is~~  
4 ~~applicable, or of the denial of the purchaser's application to~~  
5 ~~purchase and the grounds thereof)) are satisfied. The application~~  
6 shall not be denied unless the purchaser is not eligible to purchase  
7 or possess the firearm under state or federal law.

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

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

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

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

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

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

33 ~~(8))~~ (4) A person who knowingly makes a false statement  
34 regarding identity or eligibility requirements on the application to  
35 purchase a firearm is guilty of false swearing under RCW 9A.72.040.

36 ~~((9))~~ (5) This section does not apply to sales to licensed  
37 dealers for resale or to the sale of antique firearms.

38 **Sec. 6.** RCW 9.41.110 and 2019 c 3 s 10 are each amended to read  
39 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~~) this chapter. A licensing authority shall forward a copy  
21 of each license granted to the department of licensing. The  
22 department of licensing shall notify the department of revenue of the  
23 name and address of 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 or semiautomatic assault rifles)~~) firearms that  
5 are applicable to dealers.

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

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

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

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

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

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

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

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

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

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

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

38 (12) Except as provided in RCW 9.41.090, every city, town, and  
39 political subdivision of this state is prohibited from requiring the

1 purchaser to secure a permit to purchase or from requiring the dealer  
2 to secure an individual permit for each sale.

3 **Sec. 7.** RCW 9.41.1135 and 2020 c 28 s 4 are each amended to read  
4 as follows:

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

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

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

35 NEW SECTION. **Sec. 8.** 2019 c 244 s 1 is repealed.

36 NEW SECTION. **Sec. 9.** Sections 5 through 7 of this act take  
37 effect January 1, 2024.

1           NEW SECTION.   **Sec. 10.**   Sections 1 and 3 of this act expire  
2   January 1, 2024.

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