

HOUSE BILL REPORT

HB 1151

As Passed House:

March 1, 1995

Title: An act relating to ammunition.

Brief Description: Modifying licensing requirements for the sale of ammunition.

Sponsors: Representatives Pennington, McMorris, Smith, Boldt, Campbell, Sheldon, L. Thomas, Thompson, Foreman, Benton, Robertson, Goldsmith, McMahan, Hargrove, Sherstad, Clements, Mulliken, Schoesler, Johnson, D. Schmidt, B. Thomas, Delvin, Koster, Hymes and Mielke.

Brief History:

Committee Activity:

Law & Justice: 1/27/95, 2/7/95 [DP].

Floor Activity:

Passed House: 3/1/95, 79-18.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 12 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

Minority Report: Do not pass. Signed by 5 members: Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody; Thibaudeau and Veloria.

Staff: Bill Perry (786-7123).

Background: Under state law, a firearms dealer is defined as a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license. Collectors making occasional sales are excluded.

A person engaged in selling firearms or ammunition, who holds or is required to hold a federal license, must obtain a state dealer's license and register with the Department of Revenue. The person must specifically be licensed to sell pistols, other types of firearms, or ammunition, and may be licensed to sell all three. The Department of Licensing is to provide a single application for all types of dealers' licenses, and a single license form which is to indicate the type or types of licenses granted. The

total annual license fee is \$125, regardless of how many types of dealers' licenses are granted to the applicant. The fee goes to the drug enforcement account.

To apply for a dealer's license, an applicant must have a federal license and must undergo fingerprinting and a background check. A dealer must be eligible for a concealed pistol license, even if he or she does not have one. A dealer also must require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. Before being permitted to sell a firearm, an employee must be eligible to possess a firearm and must not have been convicted of a crime that would disqualify the employee for a concealed pistol license. In addition, every employee selling firearms must comply with the requirements concerning purchase applications and restrictions on delivery of pistols that are applicable to dealers.

The dealer must post his or her license in the area of the store where firearms are sold. A dealer may conduct business from a temporary location for a gun show and must post his or her license at that temporary location. However, the law expressly does not authorize a dealer to conduct business from a motor vehicle.

A basic federal firearms dealer's license costs \$200 for three years, with a fee of \$90 for a three-year renewal of a valid license. It is unlawful under federal law for anyone who has been convicted of a felony, who is a fugitive from justice, who is an illegal drug user, or who is a mental defective or has been committed to a mental institution, to possess a firearm. An applicant for a federal dealer's license must be at least 21 years old and must not have violated the federal firearms law. Under a recent federal enactment, the requirements for a federal firearms dealer's license include certification by an applicant that his or her business is not prohibited under state law. Federal law also now requires an applicant to provide fingerprints and a photograph as part of an application. There is no federal requirement for a dealer's license in order to sell ammunition.

Summary of Bill: The requirement for a license to sell ammunition is removed. The definition of "dealer" is amended to remove the sale of ammunition as part of the definition.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The current law unfairly burdens many small businesses that carry ammunition as a service to their customers.

Testimony Against: None.

Testified: Representative Pennington, prime sponsor (pro); and Darryl Jones, Washington Firearms Coalition (pro).