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HOUSE BILL 1703

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Jenkins, Farrell, Morris, Cody, Kagi, Wylie, Roberts, Pollet, Ryu, Bergquist, Fey, Hunt, Tarleton, Fitzgibbon, Appleton, Moscoso, and Santos

Read first time 02/06/13. Referred to Committee on Judiciary.

1 AN ACT Relating to promoting firearm safety through an education  
2 program funded through fees on firearms and ammunition and creating a  
3 sales tax exemption on gun locks; adding a new section to chapter 82.08  
4 RCW; adding a new section to chapter 82.12 RCW; adding new sections to  
5 chapter 9.41 RCW; adding a new section to chapter 43.70 RCW; creating  
6 a new section; prescribing penalties; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds, according to the  
9 Washington state injury and violence prevention guide issued by the  
10 department of health in June 2008, in the state of Washington in 2006  
11 that:

12 (a) Firearm injuries were the fourth leading cause of injury death;  
13 including forty-nine percent of all suicides and fifty-five percent of  
14 all homicides;

15 (b) About ninety percent of fatal firearm incidents involving  
16 children occur in the home;

17 (c) A study of children from birth to age fourteen showed that  
18 forty percent of firearm incidents happen in the same room where the  
19 firearm is stored;

1 (d) The presence of a household firearm is also linked with an  
2 increased risk of adults and adolescents using a firearm to attempt  
3 suicide;

4 (e) Having a firearm in the house also puts an abused woman at  
5 greater risk of being killed; and

6 (f) A 2007 nationwide-study of firearm ownership and storage  
7 patterns among families with children revealed that, overall, few  
8 families with children reported safe firearm storage.

9 (2) Public health approaches to reducing both motor vehicle crashes  
10 and tobacco deaths have been highly successful and the legislature  
11 believes that using public health approaches to reducing gun violence  
12 and gun deaths will also result in success.

13 (3) In an effort to reduce the number of firearms-related deaths  
14 and injuries, the legislature intends to:

15 (a) Institute a statewide educational program aimed at educating  
16 firearm owners, prospective firearm owners, and those who live and work  
17 where firearms are present, about firearm safety;

18 (b) Fund such a program with fees on the retail sales of firearms  
19 and ammunition; and

20 (c) Promote the safe storage of firearms through a tax exemption on  
21 the purchase of gun locks.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.08 RCW  
23 to read as follows:

24 (1) The tax levied by RCW 82.08.020 does not apply to sales of gun  
25 locks.

26 (2) For the purposes of this section, "gun lock" means a trigger  
27 locking device, chamber lock, or cable lock that is intended to prevent  
28 the discharge of a firearm.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 82.12 RCW  
30 to read as follows:

31 (1) The provisions of this section do not apply with respect to the  
32 use of gun locks.

33 (2) For the purposes of this section, "gun locks" has the same  
34 meaning as provided in section 2 of this act.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 9.41 RCW  
2 to read as follows:

3        (1) There is levied and collected a fee on each retail sale in this  
4 state of a firearm. The rate of the fee is as follows:

5            (a) Twenty-five dollars for every firearm sold at retail; or

6            (b) Fifteen dollars for every firearm sold at retail if a gun safe  
7 or a gun lock is purchased at the time of sale with a firearm.

8        (2) The fee imposed under subsection (1) of this section must be  
9 paid by the buyer to the seller. Each seller must collect from the  
10 buyer the full amount of the fee in respect to each retail sale of a  
11 firearm. The fee collected from the buyer by the seller must be paid  
12 to the department of revenue in accordance with RCW 82.32.045.

13        (3) There is levied and collected a fee upon the retail sale of all  
14 ammunition, in an amount equal to one cent per round of ammunition.  
15 The fee imposed under this section must be paid by the buyer to the  
16 seller. Each seller must collect from the buyer the full amount of the  
17 fee in respect to each retail sale of ammunition. The fee collected  
18 from the buyer by the seller must be paid to the department of revenue  
19 in accordance with RCW 82.32.045.

20        (4) The department of revenue must incorporate into the  
21 department's regular audit cycle a reconciliation of the number of  
22 firearms and rounds of ammunition sold and the amount of revenue  
23 collected by businesses selling firearms and ammunition at retail. The  
24 department of revenue must collect the following information on the  
25 business excise tax return from the businesses selling firearms and  
26 ammunition at retail:

27            (a) The number of firearms sold;

28            (b) The rounds of ammunition sold; and

29            (c) The fees levied in this section.

30        (5) All other applicable provisions of chapter 82.32 RCW have full  
31 force and application with respect to the fee imposed under this  
32 section. The department of revenue must administer this section.

33        (6) All receipts from the firearm and ammunition fees imposed in  
34 this section must be deposited in the firearm-related injury and death  
35 prevention account in section 6 of this act.

36        (7) The following definitions in this subsection apply throughout  
37 this section unless the context clearly requires otherwise.

1 (a) "Ammunition" means cartridge cases, primers, bullets, or  
2 propellant powder designed for use in any firearm.

3 (b) "Gun lock" has the same meaning as provided in section 2 of  
4 this act.

5 (c) "Gun safe" has the same meaning as provided in RCW 82.08.832.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 9.41 RCW  
7 to read as follows:

8 (1) The fees required to be collected by the seller under section  
9 4 of this act, are deemed to be held in trust by the seller until paid  
10 to the department of revenue, and any seller who appropriates or  
11 converts the fees collected to his or her own use or to any use other  
12 than the payment of the fees to the extent that the money required to  
13 be collected is not available for payment on the due date as prescribed  
14 in this chapter is guilty of a gross misdemeanor.

15 (2) If any seller fails to collect the fees imposed under section  
16 4 of this act or having collected the fees, fails to pay the collected  
17 fees to the department of revenue in the manner prescribed in section  
18 4 of this act, whether such failure is the result of his or her own  
19 acts or the result of acts or conditions beyond the seller's control,  
20 the seller is nevertheless, personally liable to the state for the  
21 amount of the fees.

22 (3) The amount of the fees, until paid by the buyer to the seller  
23 or to the department of revenue, constitutes a debt from the buyer to  
24 the seller. Any seller who fails or refuses to collect the fees as  
25 required with intent to violate the provisions of this chapter or to  
26 gain some advantage or benefit, either direct or indirect, and any  
27 buyer who refuses to pay any fees due under this chapter is guilty of  
28 a misdemeanor.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 9.41 RCW  
30 to read as follows:

31 (1) The firearm-related injury and death prevention account is  
32 created in the state treasury. Expenditures from the account may be  
33 used to fund the firearm-related injury and death prevention program  
34 created in section 7 of this act and may be spent only after  
35 appropriation.

1 (2) Moneys in the firearm-related injury and death prevention  
2 account may be appropriated to the department of health to provide  
3 funding for the firearm-related injury and death prevention program  
4 created in section 7 of this act.

5 (3) All receipts from the firearm and ammunition fees imposed in  
6 section 4 of this act must be deposited in the firearm-related injury  
7 and death prevention account.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.70 RCW  
9 to read as follows:

10 (1) A firearm-related injury and death prevention education program  
11 is created to be administered by the department as provided in this  
12 section.

13 (2) The department must identify public education efforts currently  
14 underway within state government and among local governments and  
15 private groups to educate firearm owners and prevent firearm-related  
16 injuries and death. The department must convene stakeholders and  
17 partners, conduct research, obtain data, identify needs, gaps,  
18 opportunities, and strategies, and develop a plan for:

19 (a) Expanding and enhancing existing firearm safety education  
20 programs for firearm owners, prospective firearm owners, and those who  
21 live and work where firearms are present, with particular emphasis on  
22 those programs that research shows have proven effective;

23 (b) Implementing additional firearm safety educational programs  
24 throughout the state for firearm owners, prospective firearm owners,  
25 and those who live and work where firearms are present, with particular  
26 emphasis on those programs that research shows have proven effective;

27 (c) Promoting the safe storage and handling of all firearms and  
28 minimization of risk of firearm-related injuries and death; and

29 (d) Evaluating the effectiveness and success of the program as a  
30 whole, as well as its component parts.

31 (3) By December 1, 2013, and in compliance with RCW 43.01.036, the  
32 department must submit a report to the appropriate committees of the  
33 legislature and the governor that details the plan for the program  
34 created under this section, including all of the program's components  
35 and projected costs.

36 (4) The department must begin implementation of the firearm-related

1 injury and death prevention education program in January 2014.

2 NEW SECTION. **Sec. 8.** This act takes effect August 1, 2013.

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