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SENATE BILL 5174

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State of Washington

66th Legislature

2019 Regular Session

By Senator Palumbo

1 AN ACT Relating to concealed pistol license training  
2 requirements; reenacting and amending RCW 9.41.070; and adding new  
3 sections to chapter 43.43 RCW.

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

5 **Sec. 1.** RCW 9.41.070 and 2018 c 226 s 2 and 2018 c 201 s 6002  
6 are each reenacted and amended to read as follows:

7 (1) The chief of police of a municipality or the sheriff of a  
8 county shall (~~within thirty days after the filing of an application~~  
9 ~~of any person,~~) issue a license to ((such)) any person submitting an  
10 application pursuant to the requirements of this section to carry a  
11 pistol concealed on his or her person within this state for five  
12 years from date of issue, for the purposes of protection or while  
13 engaged in business, sport, or while traveling. (~~However, if the~~  
14 ~~applicant does not have a valid permanent Washington driver's license~~  
15 ~~or Washington state identification card or has not been a resident of~~  
16 ~~the state for the previous consecutive ninety days, the issuing~~  
17 ~~authority shall have up to sixty days after the filing of the~~  
18 ~~application to issue a license.)) The issuing authority shall not  
19 refuse to accept completed applications for concealed pistol licenses  
20 during regular business hours and must issue a license or denial:~~

21 (a) Within thirty days of the date the application was filed; or

1 (b) Within sixty days of the date the application was filed if  
2 the applicant does not have a valid permanent Washington driver's  
3 license or Washington state identification card or has not been a  
4 resident of the state for the previous consecutive ninety days.

5 ~~((The applicant's constitutional right to bear arms))~~ (2) An  
6 application for a concealed pistol license shall not be denied,  
7 unless the person:

8 (a) ~~((He or she))~~ Is ineligible to possess a firearm under the  
9 provisions of RCW 9.41.040 or 9.41.045, or is prohibited from  
10 possessing a firearm under federal law;

11 (b) ~~((The applicant's))~~ Has a concealed pistol license that is in  
12 a revoked status;

13 (c) ~~((He or she))~~ Is under twenty-one years of age;

14 (d) ~~((He or she))~~ Is subject to a court order or injunction  
15 regarding firearms pursuant to chapter~~((s))~~ 7.90, 7.92, or 7.94 RCW,  
16 or RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050,  
17 26.09.060, 26.10.040, 26.10.115, ~~((26.26.130))~~ 26.26B.020, 26.50.060,  
18 26.50.070, or 26.26.590;

19 (e) ~~((He or she))~~ Is free on bond or personal recognizance  
20 pending trial, appeal, or sentencing for a felony offense;

21 (f) ~~((He or she))~~ Has an outstanding warrant for his or her  
22 arrest from any court of competent jurisdiction for a felony or  
23 misdemeanor; ~~((or))~~

24 (g) ~~((He or she))~~ Has been ordered to forfeit a firearm under RCW  
25 9.41.098(1)(e) within one year before filing an application to carry  
26 a pistol concealed on his or her person; or

27 (h) Has not provided evidence of handgun proficiency, in the form  
28 and manner required by the Washington state patrol.

29 (3) No person convicted of a felony may have his or her right to  
30 possess firearms restored or his or her privilege to carry a  
31 concealed pistol restored, unless the person has been granted relief  
32 from disabilities by the attorney general under Title 18 U.S.C. Sec.  
33 925(c), or RCW 9.41.040 (3) or (4) applies.

34 ~~((+2))~~ (4)(a) The issuing authority shall conduct a check  
35 through the national instant criminal background check system, the  
36 Washington state patrol electronic database, the health care  
37 authority electronic database, and with other agencies or resources  
38 as appropriate, to determine whether the applicant is ineligible  
39 under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited

1 from possessing a firearm under federal law, and therefore ineligible  
2 for a concealed pistol license.

3 (b) The issuing authority shall deny a (~~permit~~) license to  
4 anyone who is found to be prohibited from possessing a firearm under  
5 federal or state law.

6 (c) This subsection applies whether the applicant is applying for  
7 a new concealed pistol license or to renew a concealed pistol  
8 license.

9 (~~(3)~~) (5) Any person whose firearms rights have been restricted  
10 and who has been granted relief from disabilities by the attorney  
11 general under Title 18 U.S.C. Sec. 925(c) or who is exempt under  
12 Title 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to  
13 acquire, receive, transfer, ship, transport, carry, and possess  
14 firearms in accordance with Washington state law restored except as  
15 otherwise prohibited by this chapter.

16 (~~(4) The license application shall bear the full name,~~  
17 ~~residential address, telephone number at the option of the applicant,~~  
18 ~~email address at the option of the applicant, date and place of~~  
19 ~~birth, race, gender, description, a complete set of fingerprints, and~~  
20 ~~signature of the licensee, and the licensee's driver's license number~~  
21 ~~or state identification card number if used for identification in~~  
22 ~~applying for the license.))~~

23 (6) An applicant for a concealed pistol license must submit to  
24 the licensing authority:

25 (a) A completed license application as provided in subsection (7)  
26 of this section;

27 (b) A complete set of fingerprints to be forwarded to the  
28 Washington state patrol;

29 (c) At the request of the licensing authority, a photograph of  
30 the applicant;

31 (d) Evidence of handgun proficiency as provided in section 2 of  
32 this act; and

33 (e) The licensing fee as provided in subsections 11 through 14 of  
34 this section.

35 (7) (a) An application for a concealed pistol license must include  
36 the applicant's:

37 (i) Full name and place and date of birth;

38 (ii) Residential address;

39 (iii) Telephone number and email address, at the option of the  
40 applicant;

1 (iv) Driver's license number or state identification card number  
2 if used for identification in applying for the license;

3 (v) Physical description; and

4 (vi) Signature.

5 (b) A signed application for a concealed pistol license shall  
6 constitute a waiver of confidentiality and written request that the  
7 health care authority, mental health institutions, and other health  
8 care facilities release information relevant to the applicant's  
9 eligibility for a concealed pistol license to an inquiring court or  
10 law enforcement agency.

11 ~~((The application for an original license shall include a~~  
12 ~~complete set of fingerprints to be forwarded to the Washington state~~  
13 ~~patrol.~~

14 ~~The license and application shall contain a warning substantially~~  
15 ~~as follows:~~

16 ~~CAUTION: Although state and local laws do not differ, federal~~  
17 ~~law and state law on the possession of firearms differ. If~~  
18 ~~you are prohibited by federal law from possessing a firearm,~~  
19 ~~you may be prosecuted in federal court. A state license is~~  
20 ~~not a defense to a federal prosecution.))~~

21 (c) The application shall contain questions about the applicant's  
22 eligibility under RCW 9.41.040 and federal law to possess a pistol,  
23 the applicant's place of birth, and whether the applicant is a United  
24 States citizen. If the applicant is not a United States citizen, the  
25 applicant must provide the applicant's country of citizenship, United  
26 States issued alien number or admission number, and the basis on  
27 which the applicant claims to be exempt from federal prohibitions on  
28 firearm possession by aliens. The applicant shall not be required to  
29 produce a birth certificate or other evidence of citizenship. A  
30 person who is not a citizen of the United States shall, if  
31 applicable, meet the additional requirements of RCW 9.41.173 and  
32 produce proof of compliance with RCW 9.41.173 upon application.

33 (8) (a) A concealed pistol license shall be issued in triplicate  
34 or in a form prescribed by the department of licensing and may  
35 include a photograph of the licensee. The original shall be delivered  
36 to the licensee, the duplicate shall within seven days be sent to the  
37 director of licensing and the triplicate shall be preserved for six  
38 years, by the authority issuing the license.

1       **(b)** The license shall contain a description of the major  
2 differences between state and federal law and an explanation of the  
3 fact that local laws and ordinances on firearms are preempted by  
4 state law and must be consistent with state law.

5       ~~((The application shall contain questions about the applicant's  
6 eligibility under RCW 9.41.040 and federal law to possess a pistol,  
7 the applicant's place of birth, and whether the applicant is a United  
8 States citizen. If the applicant is not a United States citizen, the  
9 applicant must provide the applicant's country of citizenship, United  
10 States issued alien number or admission number, and the basis on  
11 which the applicant claims to be exempt from federal prohibitions on  
12 firearm possession by aliens. The applicant shall not be required to  
13 produce a birth certificate or other evidence of citizenship. A  
14 person who is not a citizen of the United States shall, if  
15 applicable, meet the additional requirements of RCW 9.41.173 and  
16 produce proof of compliance with RCW 9.41.173 upon application. The  
17 license may be in triplicate or in a form to be prescribed by the  
18 department of licensing.~~

19       ~~A photograph of the applicant may be required as part of the  
20 application and printed on the face of the license.~~

21       ~~The original thereof shall be delivered to the licensee, the  
22 duplicate shall within seven days be sent to the director of  
23 licensing and the triplicate shall be preserved for six years, by the  
24 authority issuing the license.))~~

25       (9) The application and license shall contain a warning  
26 substantially as follows:

27       CAUTION: Although state and local laws do not differ, federal  
28 law and state law on the possession of firearms differ. If  
29 you are prohibited by federal law from possessing a firearm,  
30 you may be prosecuted in federal court. A state license is  
31 not a defense to a federal prosecution.

32       (10) The department of licensing shall make available to law  
33 enforcement and corrections agencies, in an on-line format, all  
34 information received under this subsection.

35       ~~((5))~~ (11) The nonrefundable fee, paid upon application, for  
36 the original five-year license shall be thirty-six dollars plus  
37 additional charges imposed by the federal bureau of investigation  
38 that are passed on to the applicant. No other state or local branch

1 or unit of government may impose any additional charges on the  
2 applicant for the issuance of the license.

3 The fee shall be distributed as follows:

4 (a) Fifteen dollars shall be paid to the state general fund;

5 (b) Four dollars shall be paid to the agency taking the  
6 fingerprints of the person licensed;

7 (c) Fourteen dollars shall be paid to the issuing authority for  
8 the purpose of enforcing this chapter;

9 (d) Two dollars and sixteen cents to the firearms range account  
10 in the general fund; and

11 (e) Eighty-four cents to the concealed pistol license renewal  
12 notification account created in RCW 43.79.540.

13 ~~((+6))~~ (12) The nonrefundable fee for the renewal of such  
14 license shall be thirty-two dollars. No other branch or unit of  
15 government may impose any additional charges on the applicant for the  
16 renewal of the license.

17 The renewal fee shall be distributed as follows:

18 (a) Fifteen dollars shall be paid to the state general fund;

19 (b) Fourteen dollars shall be paid to the issuing authority for  
20 the purpose of enforcing this chapter;

21 (c) Two dollars and sixteen cents to the firearms range account  
22 in the general fund; and

23 (d) Eighty-four cents to the concealed pistol license renewal  
24 notification account created in RCW 43.79.540.

25 ~~((+7))~~ (13) The nonrefundable fee for replacement of lost or  
26 damaged licenses is ten dollars to be paid to the issuing authority.

27 ~~((+8))~~ (14) Payment shall be by cash, check, or money order at  
28 the option of the applicant. Additional methods of payment may be  
29 allowed at the option of the issuing authority.

30 ~~((+9))~~ (15) (a) A licensee may renew a license if the licensee  
31 applies for renewal within ninety days before or after the expiration  
32 date of the license. A license so renewed shall take effect on the  
33 expiration date of the prior license. A licensee renewing after the  
34 expiration date of the license must pay a late renewal penalty of ten  
35 dollars in addition to the renewal fee specified in subsection  
36 ~~((+6))~~ (12) of this section. The fee shall be distributed as  
37 follows:

38 (i) Three dollars shall be deposited in the state wildlife  
39 account and used exclusively first for the printing and distribution  
40 of a pamphlet on the legal limits of the use of firearms, firearms

1 safety, and the preemptive nature of state law, and subsequently the  
2 support of volunteer instructors in the basic firearms safety  
3 training program conducted by the department of fish and wildlife.  
4 The pamphlet shall be given to each applicant for a license; and

5 (ii) Seven dollars shall be paid to the issuing authority for the  
6 purpose of enforcing this chapter.

7 (b) Beginning with concealed pistol licenses that expire on or  
8 after August 1, 2018, the department of licensing shall mail a  
9 renewal notice approximately ninety days before the license  
10 expiration date to the licensee at the address listed on the  
11 concealed pistol license application, or to the licensee's new  
12 address if the licensee has notified the department of licensing of a  
13 change of address. Alternatively, if the licensee provides an email  
14 address at the time of license application, the department of  
15 licensing may send the renewal notice to the licensee's email  
16 address. The notice must contain the date the concealed pistol  
17 license will expire, the amount of renewal fee, the penalty for late  
18 renewal, and instructions on how to renew the license.

19 ~~((10))~~ (16) Notwithstanding the requirements of subsections (1)  
20 through ~~((9))~~ (15) of this section, the chief of police of the  
21 municipality or the sheriff of the county of the applicant's  
22 residence may issue a temporary emergency license for good cause  
23 pending review under subsection (1) of this section. However, a  
24 temporary emergency license issued under this subsection shall not  
25 exempt the holder of the license from any records check requirement.  
26 Temporary emergency licenses shall be easily distinguishable from  
27 regular licenses.

28 ~~((11))~~ (17) A political subdivision of the state shall not  
29 modify the requirements of this section or chapter, nor may a  
30 political subdivision ask the applicant to voluntarily submit any  
31 information not required by this section.

32 ~~((12))~~ (18) A person who knowingly makes a false statement  
33 regarding citizenship or identity on an application for a concealed  
34 pistol license is guilty of false swearing under RCW 9A.72.040. In  
35 addition to any other penalty provided for by law, the concealed  
36 pistol license of a person who knowingly makes a false statement  
37 shall be revoked, and the person shall be permanently ineligible for  
38 a concealed pistol license.

39 ~~((13))~~ (19) A person may apply for a concealed pistol license:

1 (a) To the municipality or to the county in which the applicant  
2 resides if the applicant resides in a municipality;

3 (b) To the county in which the applicant resides if the applicant  
4 resides in an unincorporated area; or

5 (c) Anywhere in the state if the applicant is a nonresident.

6 (~~(14)~~) (20) Any person who, as a member of the armed forces,  
7 including the national guard and armed forces reserves, is unable to  
8 renew his or her license under subsections (~~(6)~~) (12) and (~~(9)~~)  
9 (15) of this section because of the person's assignment,  
10 reassignment, or deployment for out-of-state military service may  
11 renew his or her license within ninety days after the person returns  
12 to this state from out-of-state military service, if the person  
13 provides the following to the issuing authority no later than ninety  
14 days after the person's date of discharge or assignment,  
15 reassignment, or deployment back to this state: (a) A copy of the  
16 person's original order designating the specific period of  
17 assignment, reassignment, or deployment for out-of-state military  
18 service, and (b) if appropriate, a copy of the person's discharge or  
19 amended or subsequent assignment, reassignment, or deployment order  
20 back to this state. A license so renewed under this subsection  
21 (~~(14)~~) shall take effect on the expiration date of the prior  
22 license. A licensee renewing after the expiration date of the license  
23 under this subsection (~~(14)~~) shall pay only the renewal fee  
24 specified in subsection (~~(6)~~) (12) of this section and shall not be  
25 required to pay a late renewal penalty in addition to the renewal  
26 fee.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.43  
28 RCW to read as follows:

29 (1) The state patrol shall by rule establish minimum standards  
30 for handgun proficiency and shall develop a course to teach handgun  
31 proficiency and examinations to measure handgun proficiency. The  
32 course to teach handgun proficiency is required for each person who  
33 seeks to obtain a concealed pistol license pursuant to RCW 9.41.070  
34 and must contain training sessions divided into two parts. One part  
35 of the course must be classroom instruction and the other part must  
36 be range instruction and an actual demonstration by the applicant of  
37 the applicant's ability to safely and proficiently use a handgun. An  
38 applicant must be able to demonstrate, at a minimum, the degree of  
39 proficiency that is required to effectively operate a handgun. The

1 state patrol shall distribute the standards, course requirements, and  
2 examinations on request to any qualified handgun instructor or  
3 approved online course provider seeking to administer the course or a  
4 part of the course as described in subsection (2) of this section.

5 (2) Only qualified handgun instructors may administer the range  
6 instruction part of the handgun proficiency course. A qualified  
7 handgun instructor or approved online course provider may administer  
8 the classroom instruction part of the handgun proficiency course. The  
9 classroom instruction part of the course must include not less than  
10 four hours and not more than eight hours of instruction on:

11 (a) Laws that relate to weapons and to the use of deadly force;

12 (b) Handgun use and safety, including use of restraint holsters  
13 and methods to ensure the secure carrying of openly carried handguns;

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

16 (d) Proper storage practices for handguns with an emphasis on  
17 storage practices that eliminate the possibility of accidental injury  
18 to a child.

19 (3) An approved online course provider shall administer the  
20 classroom instruction part of the handgun proficiency course in an  
21 online format. A course administered online must include not less  
22 than four hours and not more than eight hours of instruction.

23 (4) (a) Except as provided in subsection (5) of this section, only  
24 a qualified handgun instructor may administer the proficiency  
25 examination to obtain a license. The proficiency examination must  
26 include:

27 (i) A written section on the subjects listed in subsection (2) of  
28 this section; and

29 (ii) A physical demonstration of proficiency in the use of one or  
30 more handguns and in handgun safety procedures.

31 (b) A qualified handgun instructor shall require an applicant who  
32 successfully completed an online version of the classroom instruction  
33 part of the handgun proficiency course to complete not less than one  
34 hour but not more than two hours of the range instruction part of the  
35 handgun proficiency course before allowing a physical demonstration  
36 of handgun proficiency under (a) (ii) of this subsection.

37 (5) An approved online course provider may administer online  
38 through a secure portal the written portion of the proficiency  
39 examination under subsection (4) (a) (i) of this section.

1 (6) The state patrol shall prescribe the form and manner of  
2 documentation to be provided to an applicant for use as evidence of  
3 handgun proficiency as part of a concealed pistol license application  
4 pursuant to RCW 9.41.070.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.43  
6 RCW to read as follows:

7 (1) The chief of the Washington state patrol may certify as a  
8 qualified handgun instructor a person who:

9 (a) Is certified by the criminal justice training commission to  
10 instruct others in the use of handguns;

11 (b) Regularly instructs others in the use of handguns and has  
12 graduated from a handgun instructor school that uses a nationally  
13 accepted course designed to train persons as handgun instructors; or

14 (c) Is certified by the national rifle association of America as  
15 a handgun instructor.

16 (2) The chief of the Washington state patrol may certify as an  
17 approved online course provider a person who has:

18 (a) At least three years of experience in providing online  
19 instruction;

20 (b) Experience working with government entities; and

21 (c) Direct knowledge of handgun training.

22 (3) In addition to the qualifications described in subsections  
23 (1) and (2) of this section, a qualified handgun instructor or  
24 approved online course provider must be qualified to instruct persons  
25 in:

26 (a) Laws that relate to weapons and to the use of deadly force;

27 (b) Handgun use, proficiency, and safety, including use of  
28 restraint holsters and methods to ensure the secure carrying of  
29 openly carried handguns;

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

32 (d) Proper storage practices for handguns, including storage  
33 practices that eliminate the possibility of accidental injury to a  
34 child.

35 (4) The state patrol may charge a fee of up to one hundred  
36 dollars to certify a qualified handgun instructor or approved online

1 course provider. Certifications must be valid for a period of five  
2 years.

--- **END** ---