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HOUSE BILL 2118

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State of Washington

68th Legislature

2024 Regular Session

By Representatives Walen and Berry

Prefiled 01/04/24.

1 AN ACT Relating to protecting the public from gun violence by  
2 establishing additional requirements for the business operations of  
3 licensed firearms dealers; amending RCW 9.41.110; and providing an  
4 effective date.

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

6 **Sec. 1.** RCW 9.41.110 and 2023 c 161 s 8 are each amended to read  
7 as follows:

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

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

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

20 (4) The duly constituted licensing authorities of any city, town,  
21 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 this chapter. A  
6 licensing authority shall forward a copy of each license granted to  
7 the department of licensing. The department of licensing shall notify  
8 the department of revenue of the name and address of each dealer  
9 licensed under this section.

10 (5)(a) A licensing authority shall, within (~~thirty~~) 30 days  
11 after the filing of an application of any person for a dealer's  
12 license, determine whether to grant the license. However, if the  
13 applicant does not have a valid permanent Washington driver's license  
14 or Washington state identification card, or has not been a resident  
15 of the state for the previous consecutive (~~ninety~~) 90 days, the  
16 licensing authority shall have up to (~~sixty~~) 60 days to determine  
17 whether to issue a license. No person shall qualify for a license  
18 under this section without first receiving a federal firearms license  
19 and undergoing fingerprinting and a background check. In addition, no  
20 person ineligible to possess a firearm under RCW 9.41.040 or  
21 ineligible for a concealed pistol license under RCW 9.41.070 shall  
22 qualify for a 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 in advance of engaging in the sale or transfer of  
26 firearms and annually thereafter. An employee must be at least 21  
27 years of age, eligible to possess a firearm, and must not have been  
28 convicted of a crime that would make the person ineligible for a  
29 concealed pistol license, before being permitted to sell a firearm.  
30 Every employee shall comply with requirements concerning purchase  
31 applications and restrictions on delivery of firearms that are  
32 applicable to dealers.

33 (6) As a condition of licensure, a dealer shall annually certify  
34 to the licensing authority, in writing and under penalty of perjury,  
35 that the dealer is in compliance with each licensure requirement  
36 established in this section.

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

1 (b) A dealer may conduct business temporarily at a location other  
2 than the building designated in the license, if the temporary  
3 location is within Washington state and is the location of a gun show  
4 sponsored by a national, state, or local organization, or an  
5 affiliate of any such organization, devoted to the collection,  
6 competitive use, or other sporting use of firearms in the community.  
7 Nothing in this subsection (~~((6))~~) (7)(b) authorizes a dealer to  
8 conduct business in or from a motorized or towed vehicle.

9 In conducting business temporarily at a location other than the  
10 building designated in the license, the dealer shall comply with all  
11 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and  
12 this section. The license of a dealer who fails to comply with the  
13 requirements of RCW 9.41.080 and 9.41.090 and subsection (~~((8))~~) (15)  
14 of this section while conducting business at a temporary location  
15 shall be revoked, and the dealer shall be permanently ineligible for  
16 a dealer's license.

17 (~~((7))~~) (8) The license or a copy thereof, certified by the  
18 issuing authority, shall be displayed on the premises in the area  
19 where firearms are sold, or at the temporary location, where it can  
20 easily be read.

21 (~~((8))~~) (9)(a) The business building location designated in the  
22 license shall be secured:

23 (i) With at least one of the following features designed to  
24 prevent unauthorized entry, which must be installed on each exterior  
25 door and window of the place of business:

26 (A) Bars or grates;

27 (B) Security screens; or

28 (C) Commercial grade metal doors; and

29 (ii) With a security alarm system that is:

30 (A) Properly installed and maintained in good condition;

31 (B) Monitored by a remote central station that can contact law  
32 enforcement in the event of an alarm;

33 (C) Capable of real-time monitoring of all exterior doors and  
34 windows, and all areas where firearms are stored; and

35 (D) Equipped with, at minimum, detectors that can perceive entry,  
36 motion, and sound.

37 (b) It is not a violation of this subsection if any security  
38 feature or system becomes temporarily inoperable through no fault of  
39 the dealer.

1 (10)(a) Dealers shall secure each firearm during business hours,  
2 except when the firearm is being shown to a customer, repaired, or  
3 otherwise worked on, in a manner that prevents a customer or other  
4 member of the public from accessing or using the firearm, which may  
5 include keeping the firearm in a locked container or in a locked  
6 display case.

7 (b) Other than during business hours, all firearms shall be  
8 secure in a locked fireproof safe or vault on the dealer's business  
9 premises or in a secured and locked area in the business location  
10 designated in the license. A locked display case is not sufficient to  
11 satisfy this requirement.

12 (11)(a) A dealer shall ensure that its business location  
13 designated in the license is monitored by a digital video  
14 surveillance system that meets all of the following requirements:

15 (i) The system shall clearly record images and, for systems  
16 located inside the premises, audio, of the area under surveillance;

17 (ii) Each camera shall be permanently mounted in a fixed  
18 location. Cameras shall be placed in locations that allow the camera  
19 to clearly record activity occurring in all areas described in  
20 (a)(iii) of this subsection and reasonably produce recordings that  
21 allow for the clear identification of any person;

22 (iii) The areas recorded shall include, but are not limited to,  
23 all of the following:

24 (A) Interior views of all exterior doors, windows, and any other  
25 entries or exits to the premises;

26 (B) All areas where firearms are displayed; and

27 (C) All points of sale, sufficient to identify the parties  
28 involved in the transaction;

29 (iv) The system shall continuously record 24 hours per day at a  
30 frame rate no less than 15 frames per second;

31 (v) The media or device on which recordings are stored shall be  
32 secured in a manner to protect the recording from tampering,  
33 unauthorized access or use, or theft;

34 (vi) Recordings shall be maintained for a minimum of six years;

35 (vii) Recorded images shall clearly and accurately display the  
36 date and time;

37 (viii) The system shall be equipped with a failure notification  
38 system that provides notification to the licensee of any interruption  
39 or failure of the system or storage device.

1 (b) A licensed dealer shall not use, share, allow access to, or  
2 otherwise release surveillance recordings, to any person except as  
3 follows:

4 (i) A dealer shall allow access to the system to an agent of the  
5 Washington state patrol conducting an inspection of the licensee's  
6 premises, for the purpose of inspecting the system for compliance  
7 with this section, but only if a warrant or court order would not  
8 generally be required for that access.

9 (ii) A dealer shall allow access to the system or release  
10 recordings to any person pursuant to search warrant or other court  
11 order.

12 (iii) A dealer may allow access to the system or release  
13 recordings to any person in response to an insurance claim or as part  
14 of the civil discovery process including, but not limited to, in  
15 response to subpoenas, request for production or inspection, or other  
16 court order.

17 (c) The dealer shall post a sign in a conspicuous place at each  
18 entrance to the premises that states in block letters not less than  
19 one inch in height: "THESE PREMISES ARE UNDER VIDEO AND AUDIO  
20 SURVEILLANCE. YOUR IMAGE AND CONVERSATIONS MAY BE RECORDED."

21 (d) This section does not preclude any local authority or local  
22 governing body from adopting or enforcing local laws or policies  
23 regarding video surveillance that do not contradict or conflict with  
24 the requirements of this section.

25 (e) It is not a violation of this subsection if the surveillance  
26 system becomes temporarily inoperable through no fault of the dealer.

27 (12) A dealer shall:

28 (a) Promptly review and respond to all requests from law  
29 enforcement agencies and officers, including trace requests and  
30 requests for documents and records, as soon as practicably possible  
31 and no later than 24 hours after learning of the request;

32 (b) Promptly notify local law enforcement agencies and the bureau  
33 of alcohol, tobacco, firearms and explosives of any loss, theft, or  
34 unlawful transfer of any firearm or ammunition as soon as practicably  
35 possible and no later than 24 hours after the dealer knows or should  
36 know of the reportable event.

37 (13) A dealer shall:

38 (a) Establish and maintain a book, or if the dealer should  
39 choose, an electronic-based record of purchase, sale, inventory, and  
40 other records at the dealer's place of business and shall make all

1 such records available to law enforcement upon request. Such records  
2 shall at a minimum include the make, model, caliber or gauge,  
3 manufacturer's name, and serial number of all firearms that are  
4 acquired or disposed of not later than one business day after their  
5 acquisition or disposition;

6 (b) Maintain monthly backups of the records required by (a) of  
7 this subsection in a secure container designed to prevent loss by  
8 fire, theft, or flood. If the dealer chooses to maintain an  
9 electronic-based record system, those records shall be backed up on  
10 an external server or over the internet at the close of each business  
11 day;

12 (c) Account for all firearms acquired but not yet disposed of  
13 through an inventory check prepared each month and maintained in a  
14 secure location;

15 (d) Maintain and make available at any time to government law  
16 enforcement agencies and to the manufacturer of the weapon or its  
17 designee, firearm disposition information, including the serial  
18 numbers of firearms sold, dates of sale, and identity of purchasers;

19 (e) Retain all bureau of alcohol, tobacco, firearms and  
20 explosives form 4473 transaction records on the dealer's business  
21 premises in a secure container designed to prevent loss by fire,  
22 theft, or flood;

23 (f) Maintain for six years copies of trace requests received,  
24 including notations for trace requests received by phone for six  
25 years;

26 (g) Provide annual reporting to the Washington state attorney  
27 general concerning trace requests, including at a minimum the  
28 following:

29 (i) The total number of trace requests received;

30 (ii) For each trace, the make and model of the gun and date of  
31 sale; and

32 (iii) Whether the dealer was inspected by the bureau of alcohol,  
33 tobacco, firearms and explosives, and copies of any reports of  
34 violations or letters received from the bureau of alcohol, tobacco,  
35 firearms and explosives.

36 (14) A dealer shall carry a general liability insurance policy  
37 providing at least \$1,000,000 of coverage per incident.

38 (15)(a) No firearm may be sold: (i) In violation of any  
39 provisions of this chapter; nor (ii) under any circumstances unless

1 the purchaser is personally known to the dealer or shall present  
2 clear evidence of his or her identity.

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

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

15 ~~((+9))~~ (16) (a) A true record shall be made of every pistol or  
16 semiautomatic assault rifle sold, in a book kept for the purpose, the  
17 form of which may be prescribed by the director of licensing and  
18 shall be personally signed by the purchaser and by the person  
19 effecting the sale, each in the presence of the other, and shall  
20 contain the date of sale, the caliber, make, model and manufacturer's  
21 number of the weapon, the name, address, occupation, and place of  
22 birth of the purchaser, and a statement signed by the purchaser that  
23 he or she is not ineligible under state or federal law to possess a  
24 firearm. The dealer shall retain the transfer record for six years.

25 (b) The dealer shall transmit the information from the firearm  
26 transfer application through secure automated firearms e-check (SAFE)  
27 to the Washington state patrol firearms background check program. The  
28 Washington state patrol firearms background check program shall  
29 transmit the application information for pistol and semiautomatic  
30 assault rifle transfer applications to the director of licensing  
31 daily. The original application shall be retained by the dealer for  
32 six years.

33 ~~((+10))~~ (17) Subsections (2) through ~~((+9))~~ (16) of this  
34 section shall not apply to sales at wholesale.

35 ~~((+11))~~ (18) The dealer's licenses authorized to be issued by  
36 this section are general licenses covering all sales by the licensee  
37 within the effective period of the licenses. The department shall  
38 provide a single application form for dealer's licenses and a single  
39 license form which shall indicate the type or types of licenses  
40 granted.

1        (~~(12)~~) (19) Except as otherwise provided in this chapter, every  
2 city, town, and political subdivision of this state is prohibited  
3 from requiring the purchaser to secure a permit to purchase or from  
4 requiring the dealer to secure an individual permit for each sale.

5        NEW SECTION.    **Sec. 2.** This act takes effect January 1, 2025.

6        NEW SECTION.    **Sec. 3.** If any provision of this act or its  
7 application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

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