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HOUSE BILL 1442

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State of Washington

64th Legislature

2015 Regular Session

By Representatives G. Hunt, Shea, Young, Scott, Taylor, Condotta, and Short

Read first time 01/21/15. Referred to Committee on Judiciary.

1 AN ACT Relating to expanding economic development and creating  
2 jobs by increasing the availability of ammunition and firearm parts  
3 and accessories in Washington state; amending RCW 7.72.030; adding  
4 new sections to chapter 82.04 RCW; adding a new section to chapter  
5 84.36 RCW; adding a new section to chapter 19.02 RCW; adding a new  
6 section to chapter 23B.01 RCW; adding a new section to chapter 25.15  
7 RCW; adding a new section to chapter 43.330 RCW; adding a new chapter  
8 to Title 19 RCW; creating a new section; and declaring an emergency.

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

10 NEW SECTION. **Sec. 1.** The legislature recognizes that the people  
11 of Washington state have reserved to themselves the individual right  
12 to bear arms in Article I, section 24, of the Washington state  
13 Constitution, which reads, "The right of the individual citizen to  
14 bear arms in defense of himself, or the state, shall not be  
15 impaired . . . ." The legislature finds that both the right to bear  
16 arms and the safety and well-being of law-abiding citizens who  
17 possess firearms are at serious risk if the people cannot obtain  
18 ammunition for their firearms. A reliable, adequate, and ongoing  
19 source of ammunition is an indivisible and essential part of the  
20 right to bear arms. The people of Washington state who need small  
21 arms ammunition are almost completely dependent upon a very limited

1 number of manufacturers of smokeless propellant, small arms primers,  
2 cartridge cases, and small arms ammunition that are located in other  
3 states. The legislature also recognizes that the availability of  
4 firearm parts and accessories are also necessary in order for the  
5 people to more effectively exercise their right to bear arms. The  
6 legislature intends by this act to encourage the manufacture of  
7 smokeless propellant, small arms primers, cartridge cases, and small  
8 arms ammunition and firearm parts and accessories within the borders  
9 of Washington state to ensure a dependable, sufficient, and  
10 continuous availability of ammunition components, and firearms  
11 ammunition, parts, and accessories, for the people of Washington, and  
12 to expand economic development and create jobs within Washington  
13 state.

14 NEW SECTION. **Sec. 2.** This act may be known and cited as the  
15 Washington state firearms ammunition, parts, and accessories jobs  
16 act.

17 NEW SECTION. **Sec. 3.** The definitions in this section apply  
18 throughout this chapter unless the context clearly requires  
19 otherwise.

20 (1) "Ammunition components" means propellants, primers, and  
21 cartridge cases.

22 (2) "Black powder" means a propellant made from potassium or  
23 sodium nitrate, charcoal, and sulfur or a substitute for black powder  
24 made differently that is used for conventional small arms or antique  
25 or replica arms.

26 (3) "Cartridge cases" means the casings that contain and hold  
27 together the propellant, primer, and bullet, which may be formed from  
28 brass, aluminum, steel, plastic, or some combination of those or  
29 other materials.

30 (4) "Firearm accessories" means items that connect to a small arm  
31 or are used to carry or load small arms ammunition and includes, but  
32 is not limited to, hand guards, scopes, magazines, clips, slings, and  
33 speed loaders.

34 (5) "Firearm parts" means the individual components used in the  
35 manufacture of small arms and includes, but is not limited to,  
36 barrels, frames, cylinders, chokes, stocks, grips, and forends.

37 (6) "Manufacturer of firearm ammunition, parts, or accessories"  
38 means a person or entity in this state engaged in the primary

1 business of the manufacture of ammunition components, small arms  
2 ammunition, firearm parts, or firearm accessories.

3 (7) "Primary business" means a manufacturer in which more than  
4 one-half of its product produced is, and more than one-half of its  
5 gross income comes from sales of, ammunition components, small arms  
6 ammunition, firearm parts, or firearm accessories.

7 (8) "Propellant" includes smokeless propellant and black powder.

8 (9) "Small arms" means pistols, revolvers, rifles, shotguns, and  
9 other similar devices that are portable by one person, the possession  
10 and use of which are protected by Article I, section 24, of the  
11 Washington state Constitution.

12 (10) "Small arms ammunition" means the combination of ammunition  
13 components into a projectile for use in small arms.

14 (11) "Small arms primers" means the priming component for a round  
15 of ammunition intended for use in small arms that is usually made of  
16 a cup, an anvil, and a shock-sensitive chemical compound and is  
17 designed to ignite the propellant in an ammunition cartridge for  
18 conventional small arms.

19 (12) "Smokeless propellant" means a chemical substance designed  
20 to expel a projectile from small arms through burning and expansion  
21 at a quick but controlled burning rate.

22 NEW SECTION. **Sec. 4.** (1) A manufacturer of firearms ammunition,  
23 parts, or accessories that meets the conditions in subsection (2) of  
24 this section is exempt from:

25 (a) The business and occupation tax imposed under chapter 82.04  
26 RCW, as provided in section 6 of this act;

27 (b) Property taxes imposed under Title 84 RCW, as provided in  
28 section 8 of this act; and

29 (c) Business license fees, as provided in sections 9 through 11  
30 of this act.

31 (2) A manufacturer of firearm ammunition, parts, or accessories  
32 is exempt from taxation and fees as provided under subsection (1) of  
33 this section if the manufacturer meets the following conditions:

34 (a) The products of the manufacturer are and remain available to  
35 commercial and individual consumers in the state;

36 (b) The manufacturer sells its products to in-state commercial  
37 and individual consumers for a price no greater than that for out-of-  
38 state purchasers, including any products that leave the state  
39 regardless of destination or purchaser; and

1 (c) The manufacturer does not enter into any agreement or  
2 contract that could actually or potentially require or commit all of  
3 its production to out-of-state consumers, or interfere with or  
4 prohibit sales or the provision of its products to in-state  
5 consumers.

6 NEW SECTION. **Sec. 5.** Only Washington state and the department  
7 of ecology may regulate the chemicals used to manufacture ammunition  
8 components and any use of those chemicals for such purposes may not  
9 be regulated in the state by any agency of the United States.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 82.04  
11 RCW to read as follows:

12 (1) The tax imposed under this chapter does not apply to a  
13 manufacturer of firearm ammunition, parts, or accessories.

14 (2) To qualify for the exemption under this section, a  
15 manufacturer of firearm ammunition, parts, or accessories must meet  
16 the requirements of section 4(2) of this act.

17 (3) "Manufacturer of firearm ammunition, parts, or accessories"  
18 has the same meaning as provided in section 3 of this act.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 82.04  
20 RCW to read as follows:

21 (1) In computing tax there may be deducted from the measure of  
22 tax by those engaged in banking, loan, security, or other financial  
23 businesses, interest received on loans made to manufacturers of  
24 firearm ammunition, parts, or accessories.

25 (2) "Manufacturer of firearm ammunition, parts, or accessories"  
26 has the same meaning as provided in section 3 of this act.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 84.36  
28 RCW to read as follows:

29 (1) Property owned and used by a manufacturer of firearm  
30 ammunition, parts, or accessories is exempt from tax.

31 (2) To qualify for the exemption under this section, a  
32 manufacturer of firearm ammunition, parts, or accessories must meet  
33 the requirements of section 4(2) of this act.

34 (3) "Manufacturer of firearm ammunition, parts, or accessories"  
35 has the same meaning as provided in section 3 of this act.

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 19.02  
2    RCW to read as follows:

3        Any person operating as a manufacturer of firearm ammunition,  
4    parts, or accessories, as defined in section 3 of this act, in a  
5    manner consistent with the requirements of section 4(2) of this act,  
6    is exempt from fees imposed under this chapter.

7        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 23B.01  
8    RCW to read as follows:

9        Any corporation operating as a manufacturer of firearm  
10    ammunition, parts, or accessories, as defined in section 3 of this  
11    act, in a manner consistent with the requirements of section 4(2) of  
12    this act, is exempt from fees imposed under this chapter.

13       NEW SECTION.    **Sec. 11.**    A new section is added to chapter 25.15  
14    RCW to read as follows:

15       Any limited liability company operating as a manufacturer of  
16    firearm ammunition, parts, or accessories, as defined in section 3 of  
17    this act, in a manner consistent with the requirements of section  
18    4(2) of this act, is exempt from fees imposed under this chapter.

19       **Sec. 12.**    RCW 7.72.030 and 1988 c 94 s 1 are each amended to read  
20    as follows:

21       (1) A product manufacturer is subject to liability to a claimant  
22    if the claimant's harm was proximately caused by the negligence of  
23    the manufacturer in that the product was not reasonably safe as  
24    designed or not reasonably safe because adequate warnings or  
25    instructions were not provided.

26       (a) A product is not reasonably safe as designed, if, at the time  
27    of manufacture, the likelihood that the product would cause the  
28    claimant's harm or similar harms, and the seriousness of those harms,  
29    outweighed the burden on the manufacturer to design a product that  
30    would have prevented those harms and the adverse effect that an  
31    alternative design that was practical and feasible would have on the  
32    usefulness of the product: PROVIDED, That a firearm (~~(or)~~)  
33    ammunition, or ammunition component made in Washington state shall  
34    not be deemed defective in design on the basis that the benefits of  
35    the product do not outweigh the risk of injury posed by its potential  
36    to cause serious injury, damage, or death when discharged. The  
37    potential of a firearm or ammunition to cause serious injury, damage,

1 or death when discharged does not make the product defective in  
2 design, and injuries or damages resulting from the discharge of a  
3 firearm or ammunition are not proximately caused by its potential to  
4 cause serious injury, damage, or death, but are proximately caused by  
5 the actual discharge of the product.

6 (b) A product is not reasonably safe because adequate warnings or  
7 instructions were not provided with the product, if, at the time of  
8 manufacture, the likelihood that the product would cause the  
9 claimant's harm or similar harms, and the seriousness of those harms,  
10 rendered the warnings or instructions of the manufacturer inadequate  
11 and the manufacturer could have provided the warnings or instructions  
12 which the claimant alleges would have been adequate.

13 (c) A product is not reasonably safe because adequate warnings or  
14 instructions were not provided after the product was manufactured  
15 where a manufacturer learned or where a reasonably prudent  
16 manufacturer should have learned about a danger connected with the  
17 product after it was manufactured. In such a case, the manufacturer  
18 is under a duty to act with regard to issuing warnings or  
19 instructions concerning the danger in the manner that a reasonably  
20 prudent manufacturer would act in the same or similar circumstances.  
21 This duty is satisfied if the manufacturer exercises reasonable care  
22 to inform product users.

23 (2) A product manufacturer is subject to strict liability to a  
24 claimant if the claimant's harm was proximately caused by the fact  
25 that the product was not reasonably safe in construction or not  
26 reasonably safe because it did not conform to the manufacturer's  
27 express warranty or to the implied warranties under Title 62A RCW.

28 (a) A product is not reasonably safe in construction if, when the  
29 product left the control of the manufacturer, the product deviated in  
30 some material way from the design specifications or performance  
31 standards of the manufacturer, or deviated in some material way from  
32 otherwise identical units of the same product line.

33 (b) A product does not conform to the express warranty of the  
34 manufacturer if it is made part of the basis of the bargain and  
35 relates to a material fact or facts concerning the product and the  
36 express warranty proved to be untrue.

37 (c) Whether or not a product conforms to an implied warranty  
38 created under Title 62A RCW shall be determined under that title.

39 (3) In determining whether a product was not reasonably safe  
40 under this section, the trier of fact shall consider whether the

1 product was unsafe to an extent beyond that which would be  
2 contemplated by the ordinary consumer.

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.330  
4 RCW to read as follows:

5 The department, the county-designated associate development  
6 organization, the small business development center, and impact  
7 Washington must provide technical assistance if requested by a  
8 manufacturer of firearm ammunition, parts, or accessories, as defined  
9 in section 3 of this act. The technical assistance provided must be  
10 responsive to the request and may include the provision of market  
11 intelligence and research, business planning, information on  
12 available financing tools, or the resolution of siting, regulatory,  
13 or licensing requirements.

14 NEW SECTION. **Sec. 14.** Sections 1 through 5 of this act  
15 constitute a new chapter in Title 19 RCW.

16 NEW SECTION. **Sec. 15.** If any part of this act is found to be in  
17 conflict with federal requirements that are a prescribed condition to  
18 the allocation of federal funds to the state, the conflicting part of  
19 this act is inoperative solely to the extent of the conflict and with  
20 respect to the agencies directly affected, and this finding does not  
21 affect the operation of the remainder of this act in its application  
22 to the agencies concerned. Rules adopted under this act must meet  
23 federal requirements that are a necessary condition to the receipt of  
24 federal funds by the state.

25 NEW SECTION. **Sec. 16.** This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of  
27 the state government and its existing public institutions, and takes  
28 effect immediately.

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