
SUBSTITUTE SENATE BILL 5506

State of Washington

65th Legislature

2017 Regular Session

By Senate Law & Justice (originally sponsored by Senators Zeiger and Wilson)

1 AN ACT Relating to the exemption from background checks for
2 delivery of a firearm owned or leased by an entity licensed or
3 qualified to do business in the state of Washington to, or return of
4 such a firearm by, any of that entity's employees or agents for
5 lawful purposes in the ordinary course of business; and amending RCW
6 9.41.113.

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

8 **Sec. 1.** RCW 9.41.113 and 2015 c 1 s 3 (Initiative Measure No.
9 594) are each amended to read as follows:

10 (1) All firearm sales or transfers, in whole or part in this
11 state including without limitation a sale or transfer where either
12 the purchaser or seller or transferee or transferor is in Washington,
13 shall be subject to background checks unless specifically exempted by
14 state or federal law. The background check requirement applies to all
15 sales or transfers including, but not limited to, sales and transfers
16 through a licensed dealer, at gun shows, online, and between
17 unlicensed persons.

18 (2) No person shall sell or transfer a firearm unless:

19 (a) The person is a licensed dealer;

20 (b) The purchaser or transferee is a licensed dealer; or

21 (c) The requirements of subsection (3) of this section are met.

1 (3) Where neither party to a prospective firearms transaction is
2 a licensed dealer, the parties to the transaction shall complete the
3 sale or transfer through a licensed dealer as follows:

4 (a) The seller or transferor shall deliver the firearm to a
5 licensed dealer to process the sale or transfer as if it is selling
6 or transferring the firearm from its inventory to the purchaser or
7 transferee, except that the unlicensed seller or transferor may
8 remove the firearm from the business premises of the licensed dealer
9 while the background check is being conducted. If the seller or
10 transferor removes the firearm from the business premises of the
11 licensed dealer while the background check is being conducted, the
12 purchaser or transferee and the seller or transferor shall return to
13 the business premises of the licensed dealer and the seller or
14 transferor shall again deliver the firearm to the licensed dealer
15 prior to completing the sale or transfer.

16 (b) Except as provided in (a) of this subsection, the licensed
17 dealer shall comply with all requirements of federal and state law
18 that would apply if the licensed dealer were selling or transferring
19 the firearm from its inventory to the purchaser or transferee,
20 including but not limited to conducting a background check on the
21 prospective purchaser or transferee in accordance with federal and
22 state law requirements and fulfilling all federal and state
23 recordkeeping requirements.

24 (c) The purchaser or transferee must complete, sign, and submit
25 all federal, state, and local forms necessary to process the required
26 background check to the licensed dealer conducting the background
27 check.

28 (d) If the results of the background check indicate that the
29 purchaser or transferee is ineligible to possess a firearm, then the
30 licensed dealer shall return the firearm to the seller or transferor.

31 (e) The licensed dealer may charge a fee that reflects the fair
32 market value of the administrative costs and efforts incurred by the
33 licensed dealer for facilitating the sale or transfer of the firearm.

34 (4) This section does not apply to:

35 (a) A transfer between immediate family members, which for this
36 subsection shall be limited to spouses, domestic partners, parents,
37 children, siblings, grandparents, grandchildren, nieces, nephews,
38 first cousins, aunts, and uncles, that is a bona fide gift;

39 (b) The sale or transfer of an antique firearm;

1 (c) A temporary transfer of possession of a firearm if such
2 transfer is necessary to prevent imminent death or great bodily harm
3 to the person to whom the firearm is transferred if:

4 (i) The temporary transfer only lasts as long as immediately
5 necessary to prevent such imminent death or great bodily harm; and

6 (ii) The person to whom the firearm is transferred is not
7 prohibited from possessing firearms under state or federal law;

8 (d) Any law enforcement or corrections agency and, to the extent
9 the person is acting within the course and scope of his or her
10 employment or official duties, any law enforcement or corrections
11 officer, United States marshal, member of the armed forces of the
12 United States or the national guard, or federal official;

13 (e) A federally licensed gunsmith who receives a firearm solely
14 for the purposes of service or repair, or the return of the firearm
15 to its owner by the federally licensed gunsmith;

16 (f) The temporary transfer of a firearm (i) between spouses or
17 domestic partners; (ii) if the temporary transfer occurs, and the
18 firearm is kept at all times, at an established shooting range
19 authorized by the governing body of the jurisdiction in which such
20 range is located; (iii) if the temporary transfer occurs and the
21 transferee's possession of the firearm is exclusively at a lawful
22 organized competition involving the use of a firearm, or while
23 participating in or practicing for a performance by an organized
24 group that uses firearms as a part of the performance; (iv) to a
25 person who is under eighteen years of age for lawful hunting,
26 sporting, or educational purposes while under the direct supervision
27 and control of a responsible adult who is not prohibited from
28 possessing firearms; or (v) while hunting if the hunting is legal in
29 all places where the person to whom the firearm is transferred
30 possesses the firearm and the person to whom the firearm is
31 transferred has completed all training and holds all licenses or
32 permits required for such hunting, provided that any temporary
33 transfer allowed by this subsection is permitted only if the person
34 to whom the firearm is transferred is not prohibited from possessing
35 firearms under state or federal law; ((~~or~~))

36 (g) A transfer that does not include the delivery of a firearm
37 owned or leased by an entity licensed or qualified to do business in
38 the state of Washington to, or return of such a firearm by, any of
39 that entity's employees or agents for lawful purposes in the ordinary
40 course of business; or

1 (h) A person who (i) acquired a firearm other than a pistol by
2 operation of law upon the death of the former owner of the firearm or
3 (ii) acquired a pistol by operation of law upon the death of the
4 former owner of the pistol within the preceding sixty days. At the
5 end of the sixty-day period, the person must either have lawfully
6 transferred the pistol or must have contacted the department of
7 licensing to notify the department that he or she has possession of
8 the pistol and intends to retain possession of the pistol, in
9 compliance with all federal and state laws.

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