
HOUSE BILL 1472

State of Washington

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1993 Regular Session

By Representatives J. Kohl, G. Cole, Thibaudeau, Leonard, Anderson, Sommers, Wineberry, Wang, Appelwick, Jacobsen, Rust, Pruitt, Scott, L. Johnson and Valle

Read first time 01/29/93. Referred to Committee on Judiciary.

1 AN ACT Relating to handgun safety; amending RCW 9.41.090; adding
2 new sections to chapter 9.41 RCW; and providing an effective date.

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

4 **Sec. 1.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read as
5 follows:

6 (1) In addition to the other requirements of this chapter, no
7 commercial seller shall deliver a pistol to the purchaser thereof
8 until:

9 (a) The purchaser produces a valid concealed pistol license and the
10 commercial seller has recorded the purchaser's name, license number,
11 and issuing agency, such record to be made in triplicate and processed
12 as provided in subsection (~~(4)~~) (6) of this section; or

13 (b) The seller is notified in writing by the chief of police of the
14 municipality or the sheriff of the county that the purchaser meets the
15 requirements of RCW 9.41.040 and that the application to purchase is
16 granted; or

17 (c) Five consecutive days including Saturday, Sunday and holidays
18 have elapsed from the time of receipt of the application for the
19 purchase thereof as provided herein by the chief of police or sheriff

1 designated in subsection (~~(4)~~) (6) of this section, and, when
2 delivered, said pistol shall be securely wrapped and shall be unloaded.
3 However, if the purchaser does not have a valid permanent Washington
4 driver's license or state identification card or has not been a
5 resident of the state for the previous consecutive ninety days, the
6 waiting period under this subsection (1)(c) shall be up to sixty days.

7 (2) No commercial seller may deliver a pistol to a purchaser until
8 the purchaser presents a certificate indicating the following:

9 (a) Satisfactory completion of a training course in the safe
10 handling and use of handguns approved by the department of wildlife; or

11 (b) A satisfactory score on a test approved by the department of
12 wildlife taken in lieu of a safety training course.

13 (3) The provisions of subsection (2) of this section do not apply
14 to:

15 (a) Law enforcement officers;

16 (b) Members of the army, navy, or marine corps of the United States
17 or of the national guard or organized reserves;

18 (c) Officers or employees of the United States duly authorized to
19 carry a concealed pistol;

20 (d) Sales to dealers for resale; or

21 (e) Any case under subsection (1)(a) of this section where the
22 purchaser has a valid concealed pistol license first issued before the
23 effective date of this section.

24 (4) In any case under subsection (1)(c) of this section where the
25 applicant has an outstanding warrant for his or her arrest from any
26 court of competent jurisdiction for a felony or misdemeanor, the seller
27 shall hold the delivery of the pistol until the warrant for arrest is
28 served and satisfied by appropriate court appearance. The local
29 jurisdiction for purposes of the sale shall confirm the existence of
30 outstanding warrants within seventy-two hours after notification of the
31 application to purchase a pistol is received. The local jurisdiction
32 shall also immediately confirm the satisfaction of the warrant on
33 request of the seller so that the hold may be released if the warrant
34 was for a crime other than a crime of violence.

35 (~~(3)~~) (5) In any case where the chief or sheriff of the local
36 jurisdiction has reasonable grounds based on the following
37 circumstances: (a) Open criminal charges, (b) pending criminal
38 proceedings, (c) pending commitment proceedings, (d) an outstanding
39 warrant for a crime of violence, or (e) an arrest for a crime of

1 violence if the records of disposition have not yet been reported or
2 entered sufficiently to determine eligibility to purchase a pistol, the
3 local jurisdiction may hold the sale and delivery of the pistol beyond
4 five days up to thirty days in order to confirm existing records in
5 this state or elsewhere. After thirty days, the hold will be lifted
6 unless an extension of the thirty days is approved by a local district
7 court or municipal court for good cause shown. An applicant shall be
8 notified of each hold placed on the sale by local law enforcement and
9 of any application to the court for additional hold period to confirm
10 records or confirm the identity of the applicant.

11 ~~((4))~~ (6) At the time of applying for the purchase of a pistol,
12 the purchaser shall sign in triplicate and deliver to the seller an
13 application containing his or her full name, address, place of birth,
14 and the date and hour of the application; the applicant's driver's
15 license number or state identification card number; and a description
16 of the weapon including, the make, model, caliber and manufacturer's
17 number; and a statement that the purchaser is eligible to own a pistol
18 under RCW 9.41.040. The application shall contain a warning
19 substantially as follows:

20 CAUTION: Although state and local laws do not differ, federal
21 law and state law on the possession of firearms differ. If you
22 are prohibited by federal law from possessing a firearm, you
23 may be prosecuted in federal court. State permission to
24 purchase a firearm is not a defense to a federal prosecution.

25 The purchaser shall be given a copy of the department of wildlife
26 pamphlet on the legal limits of the use of firearms, firearms safety,
27 and the fact that local laws and ordinances on firearms are preempted
28 by state law and must be consistent with state law.

29 The seller shall, by the end of the business day, sign and attach
30 his or her address and deliver the original of the application and such
31 other documentation as required under subsection (1) of this section to
32 the chief of police of the municipality or the sheriff of the county of
33 which the seller is a resident. The seller shall deliver the pistol to
34 the purchaser following the period of time specified in this section
35 unless the seller is notified in writing by the chief of police of the
36 municipality or the sheriff of the county, whichever is applicable,
37 denying the purchaser's application to purchase and the grounds
38 thereof. The application shall not be denied unless the purchaser

1 fails to meet the requirements specified in RCW 9.41.040. The chief of
2 police of the municipality or the county sheriff shall maintain a file
3 containing the original of the application to purchase a pistol.

4 NEW SECTION. **Sec. 2.** (1) The director of the department of
5 wildlife shall adopt standards for, and approve, training courses in
6 the safe handling and use of handguns.

7 (2) The director shall approve a test a purchaser may take, at the
8 purchaser's option, in lieu of a training course. The test shall cover
9 laws concerning firearms, including the legal use of deadly force. The
10 director shall determine a minimum satisfactory score for the test, and
11 may charge a uniform fee of ten dollars for the test. The test shall
12 be available at such times and in such locations as determined by the
13 director.

14 NEW SECTION. **Sec. 3.** There is no civil liability incurred by, and
15 no cause of action of any nature shall arise against, the state of
16 Washington, any of its political subdivisions, agencies, appointed or
17 elected officials, employees, or volunteers while performing or in good
18 faith purporting to perform their official duties under RCW 9.41.090 or
19 section 2 of this act.

20 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act are each added
21 to chapter 9.41 RCW.

22 NEW SECTION. **Sec. 5.** This act shall take effect January 1, 1995.

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