
HOUSE BILL 2411

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Wineberry, Appelwick and J. Kohl

Read first time 01/14/94. Referred to Committee on Judiciary.

1 AN ACT Relating to firearms; amending RCW 9.41.050, 9.41.070,
2 9.41.090, 9.41.098, 9.41.310, and 48.19.030; adding a new section to
3 chapter 9.41 RCW; creating new sections; prescribing penalties; making
4 an appropriation; and providing an effective date.

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

6 **Sec. 1.** RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each amended
7 to read as follows:

8 (1) Except in the person's place of abode or fixed place of
9 business, a person shall not carry a pistol (~~concealed~~) on his or her
10 person, or in or on a vehicle, whether or not motorized, without a
11 license to carry a concealed weapon.

12 (2) A person who is in possession of an unloaded pistol shall not
13 leave the unloaded pistol in a vehicle unless the unloaded pistol is
14 locked within the vehicle and concealed from view from outside the
15 vehicle.

16 (3) A person shall not carry or place a loaded pistol in any
17 vehicle unless the person has a license to carry a concealed weapon
18 and: (a) The pistol (~~is~~) and the license are on the licensee's
19 person, (b) the licensee (~~is~~) and the license are within the vehicle

1 at all times that the pistol is there, or (c) the licensee is away from
2 the vehicle and the pistol is locked within the vehicle and concealed
3 from view from outside the vehicle.

4 (4) A violation of this section is a gross misdemeanor punishable
5 in accordance with chapter 9A.20 RCW. In addition to any other
6 penalties imposed by law, a pistol possessed in violation of this
7 section is subject to confiscation and forfeiture under RCW 9.41.098.

8 **Sec. 2.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
9 as follows:

10 (1) The judge of a court of record, the chief of police of a
11 municipality, or the sheriff of a county, shall within thirty days
12 after the filing of an application of any person issue a license to
13 such person to carry a pistol concealed on his or her person within
14 this state for four years from date of issue, for the purposes of
15 protection or while engaged in business, sport, or while traveling.
16 However, if the applicant does not have a valid permanent Washington
17 driver's license or Washington state identification card or has not
18 been a resident of the state for the previous consecutive ninety days,
19 the issuing authority shall have up to sixty days after the filing of
20 the application to issue a license. Such applicant's constitutional
21 right to bear arms shall not be denied, unless he or she:

22 (a) Is ineligible to own a pistol under the provisions of RCW
23 9.41.040; or

24 (b) Is under twenty-one years of age; or

25 (c) Is subject to a court order or injunction regarding firearms
26 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

27 (d) Is free on bond or personal recognizance pending trial, appeal,
28 or sentencing for a crime of violence; or

29 (e) Has an outstanding warrant for his or her arrest from any court
30 of competent jurisdiction for a felony or misdemeanor; or

31 (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d)
32 within one year before filing an application to carry a pistol
33 concealed on his or her person; or

34 (g) Has been convicted of any of the following offenses: Assault
35 in the third degree, indecent liberties, malicious mischief in the
36 first degree, possession of stolen property in the first or second
37 degree, or theft in the first or second degree. Any person who becomes
38 ineligible for a concealed pistol permit as a result of a conviction

1 for a crime listed in this subsection (1)(g) and then successfully
2 completes all terms of his or her sentence, as evidenced by a
3 certificate of discharge issued under RCW 9.94A.220 in the case of a
4 sentence under chapter 9.94A RCW, and has not again been convicted of
5 any crime and is not under indictment for any crime, may, one year or
6 longer after such successful sentence completion, petition the district
7 court for a declaration that the person is no longer ineligible for a
8 concealed pistol permit under this subsection (1)(g); or

9 (h) Has failed to produce proof of a satisfactory score on an
10 examination administered by the department of licensing concerning
11 firearm proficiency and knowledge of firearms laws. This subsection
12 (1)(h) shall not apply to applicants for license renewals.

13 (2) Any person whose firearms rights have been restricted and who
14 has been granted relief from disabilities by the secretary of the
15 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
16 Sec. 921(a)(20) shall have his or her right to acquire, receive,
17 transfer, ship, transport, carry, and possess firearms in accordance
18 with Washington state law restored.

19 (3) The license shall be revoked by the issuing authority
20 immediately upon conviction of a crime which makes such a person
21 ineligible to own a pistol or upon the third conviction for a violation
22 of this chapter within five calendar years.

23 (4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the
24 issuing authority shall:

- 25 (a) On the first forfeiture, revoke the license for one year;
- 26 (b) On the second forfeiture, revoke the license for two years;
- 27 (c) On the third or subsequent forfeiture, revoke the license for
28 five years.

29 Any person whose license is revoked as a result of a forfeiture of a
30 firearm under RCW 9.41.098(1)(d) may not reapply for a new license
31 until the end of the revocation period. The issuing authority shall
32 notify, in writing, the department of licensing upon revocation of a
33 license. The department of licensing shall record the revocation.

34 (5) The license shall be in triplicate, in form to be prescribed by
35 the department of licensing, and shall bear the name, address, and
36 description, fingerprints, and signature of the licensee, and the
37 licensee's driver's license number or state identification card number
38 if used for identification in applying for the license. The license
39 application shall contain a warning substantially as follows:

1 CAUTION: Although state and local laws do not differ, federal
2 law and state law on the possession of firearms differ. If you
3 are prohibited by federal law from possessing a firearm, you
4 may be prosecuted in federal court. A state license is not a
5 defense to a federal prosecution.

6 The license application shall contain a description of the major
7 differences between state and federal law and an explanation of the
8 fact that local laws and ordinances on firearms are preempted by state
9 law and must be consistent with state law. The application shall
10 contain questions about the applicant's place of birth, whether the
11 applicant is a United States citizen, and if not a citizen whether the
12 applicant has declared the intent to become a citizen and whether he or
13 she has been required to register with the state or federal government
14 and any identification or registration number, if applicable. The
15 applicant shall not be required to produce a birth certificate or other
16 evidence of citizenship. An applicant who is not a citizen shall
17 provide documentation showing resident alien status and the applicant's
18 intent to become a citizen. A person who makes a false statement
19 regarding citizenship on the application is guilty of a misdemeanor. A
20 person who is not a citizen of the United States, or has not declared
21 his or her intention to become a citizen shall meet the additional
22 requirements of RCW 9.41.170.

23 The original (~~thereof~~) license and a copy of the department of
24 fish and wildlife pamphlet published under RCW 9.41.310 shall be
25 delivered to the licensee(~~(7)~~). The duplicate license shall within
26 seven days be sent by registered mail to the director of licensing and
27 the triplicate license shall be preserved for six years, by the
28 authority issuing said license.

29 (6) The fee for the original issuance of a four-year license shall
30 be twenty-three dollars: PROVIDED, That no other additional charges by
31 any branch or unit of government shall be borne by the applicant for
32 the issuance of the license: PROVIDED FURTHER, That the fee shall be
33 distributed as follows:

34 (a) Four dollars shall be paid to the (~~state general fund~~)
35 department of licensing for the purpose of carrying out its duties
36 under this chapter;

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

1 (c) Twelve dollars shall be paid to the issuing authority for the
2 purpose of enforcing this chapter; and

3 (d) Three dollars to the firearms range account in the general
4 fund.

5 (7) The fee for the renewal of such license shall be fifteen
6 dollars: PROVIDED, That no other additional charges by any branch or
7 unit of government shall be borne by the applicant for the renewal of
8 the license: PROVIDED FURTHER, That the fee shall be distributed as
9 follows:

10 (a) Four dollars shall be paid to the ((state general fund))
11 department of licensing for the purpose of carrying out its duties
12 under this chapter;

13 (b) Eight dollars shall be paid to the issuing authority for the
14 purpose of enforcing this chapter; and

15 (c) Three dollars to the firearms range account in the general
16 fund.

17 (8) Payment shall be by cash, check, or money order at the option
18 of the applicant. Additional methods of payment may be allowed at the
19 option of the issuing authority.

20 (9) A licensee may renew a license if the licensee applies for
21 renewal within ninety days before or after the expiration date of the
22 license. A license so renewed shall take effect on the expiration date
23 of the prior license. A licensee renewing after the expiration date of
24 the license must pay a late renewal penalty of ten dollars in addition
25 to the renewal fee specified in subsection (7) of this section. The
26 fee shall be distributed as follows:

27 (a) Three dollars shall be deposited in the state wildlife fund and
28 used exclusively for the printing and distribution of a pamphlet on the
29 legal limits of the use of firearms, firearms safety, and the
30 preemptive nature of state law. The pamphlet shall be given to each
31 applicant for a license; and

32 (b) Seven dollars shall be paid to the issuing authority for the
33 purpose of enforcing this chapter.

34 (10) Notwithstanding the requirements of subsections (1) through
35 (9) of this section, the chief of police of the municipality or the
36 sheriff of the county of the applicant's residence may issue a
37 temporary emergency license for good cause pending review under
38 subsection (1) of this section.

1 (11) A political subdivision of the state shall not modify the
2 requirements of this section or chapter, nor may a political
3 subdivision ask the applicant to voluntarily submit any information not
4 required by this section. A civil suit may be brought to enjoin a
5 wrongful refusal to issue a license or a wrongful modification of the
6 requirements of this section or chapter. The civil suit may be brought
7 in the county in which the application was made or in Thurston county
8 at the discretion of the petitioner. Any person who prevails against
9 a public agency in any action in the courts for a violation of this
10 chapter shall be awarded costs, including reasonable attorneys' fees,
11 incurred in connection with such legal action.

12 **Sec. 3.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read as
13 follows:

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

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

21 (b) The seller is notified in writing by the chief of police of the
22 municipality or the sheriff of the county that the purchaser meets the
23 requirements of RCW 9.41.040 and that the application to purchase is
24 granted; or

25 (c) Five consecutive days including Saturday, Sunday and holidays
26 have elapsed from the time of receipt of the application for the
27 purchase thereof as provided herein by the chief of police or sheriff
28 designated in subsection (4) of this section, and, when delivered, said
29 pistol shall be securely wrapped and shall be unloaded. However, if
30 the purchaser does not have a valid permanent Washington driver's
31 license or state identification card or has not been a resident of the
32 state for the previous consecutive ninety days, the waiting period
33 under this subsection (1)(c) shall be up to sixty days.

34 (2) In any case under subsection (1)(c) of this section where the
35 applicant has an outstanding warrant for his or her arrest from any
36 court of competent jurisdiction for a felony or misdemeanor, the seller
37 shall hold the delivery of the pistol until the warrant for arrest is
38 served and satisfied by appropriate court appearance. The local

1 jurisdiction for purposes of the sale shall confirm the existence of
2 outstanding warrants within seventy-two hours after notification of the
3 application to purchase a pistol is received. The local jurisdiction
4 shall also immediately confirm the satisfaction of the warrant on
5 request of the seller so that the hold may be released if the warrant
6 was for a crime other than a crime of violence.

7 (3) In any case where the chief or sheriff of the local
8 jurisdiction has reasonable grounds based on the following
9 circumstances: (a) Open criminal charges, (b) pending criminal
10 proceedings, (c) pending commitment proceedings, (d) an outstanding
11 warrant for a crime of violence, or (e) an arrest for a crime of
12 violence if the records of disposition have not yet been reported or
13 entered sufficiently to determine eligibility to purchase a pistol, the
14 local jurisdiction may hold the sale and delivery of the pistol beyond
15 five days up to thirty days in order to confirm existing records in
16 this state or elsewhere. After thirty days, the hold will be lifted
17 unless an extension of the thirty days is approved by a local district
18 court or municipal court for good cause shown. An applicant shall be
19 notified of each hold placed on the sale by local law enforcement and
20 of any application to the court for additional hold period to confirm
21 records or confirm the identity of the applicant.

22 (4) At the time of applying for the purchase of a pistol, the
23 purchaser shall sign in triplicate and deliver to the seller an
24 application containing his or her full name, address, place of birth,
25 and the date and hour of the application; the applicant's driver's
26 license number or state identification card number; and a description
27 of the weapon including, the make, model, caliber and manufacturer's
28 number; and a statement that the purchaser is eligible to own a pistol
29 under RCW 9.41.040. The application shall contain a warning
30 substantially as follows:

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

36 The purchaser shall be given a copy of the department of fish and
37 wildlife pamphlet on the legal limits of the use of firearms, firearms
38 safety, including a list of safety training resources prepared by the

1 director of the department of licensing, and the fact that local laws
2 and ordinances on firearms are preempted by state law and must be
3 consistent with state law.

4 The seller shall, by the end of the business day, sign and attach
5 his or her address and deliver the original of the application and such
6 other documentation as required under subsection (1) of this section to
7 the chief of police of the municipality or the sheriff of the county of
8 which the seller is a resident. The seller shall deliver the pistol to
9 the purchaser following the period of time specified in this section
10 unless the seller is notified in writing by the chief of police of the
11 municipality or the sheriff of the county, whichever is applicable,
12 denying the purchaser's application to purchase and the grounds
13 thereof. The application shall not be denied unless the purchaser
14 fails to meet the requirements specified in RCW 9.41.040. The chief of
15 police of the municipality or the county sheriff shall maintain a file
16 containing the original of the application to purchase a pistol.

17 **Sec. 4.** RCW 9.41.098 and 1993 c 243 s 1 are each amended to read
18 as follows:

19 (1) The superior courts and the courts of limited jurisdiction of
20 the state may order forfeiture of a firearm which is proven to be:

21 (a) Found (~~(concealed on)~~) in the possession of a person not
22 authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol(~~(+
23 PROVIDED, That)~~). However, it is an absolute defense to forfeiture if
24 the person possessed a valid Washington concealed pistol license within
25 the preceding two years and has not become ineligible for a concealed
26 pistol license in the interim. Before the firearm may be returned, the
27 person must pay the past due renewal fee and the current renewal fee;

28 (b) Commercially sold to any person without an application as
29 required by RCW 9.41.090;

30 (c) Found in the possession or under the control of a person at the
31 time the person committed or was arrested for committing a crime of
32 violence or a crime in which a firearm was used or displayed or a
33 felony violation of the Uniform Controlled Substances Act, chapter
34 69.50 RCW;

35 (d) Found (~~(concealed on)~~) in the possession of a person who is in
36 any place in which a concealed pistol license is required, and who is
37 under the influence of any drug or under the influence of intoxicating
38 liquor, having 0.10 grams or more of alcohol per two hundred ten liters

1 of breath or 0.10 percent or more by weight of alcohol in the person's
2 blood, as shown by analysis of the person's breath, blood, or other
3 bodily substance;

4 (e) Found in the possession of a person prohibited from possessing
5 the firearm under RCW 9.41.040;

6 (f) Found in the possession of a person free on bail or personal
7 recognizance pending trial, appeal, or sentencing for a crime of
8 violence or a crime in which a firearm was used or displayed, except
9 that violations of Title 77 RCW shall not result in forfeiture under
10 this section;

11 (g) Found in the possession of a person found to have been mentally
12 incompetent while in possession of a firearm when apprehended or who is
13 thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

14 (h) Known to have been used or displayed by a person in the
15 violation of a proper written order of a court of general jurisdiction;
16 or

17 (i) Known to have been used in the commission of a crime of
18 violence or a crime in which a firearm was used or displayed or a
19 felony violation of the (~~Uniformed~~ [~~Uniform~~]) Uniform Controlled
20 Substances Act, chapter 69.50 RCW.

21 (2) Upon order of forfeiture, the court in its discretion shall
22 order destruction of any firearm that is illegal for any person to
23 possess. A court may temporarily retain forfeited firearms needed for
24 evidence.

25 (a) Except as provided in (b), (c), and (d) of this subsection,
26 firearms that are: (i) Judicially forfeited and no longer needed for
27 evidence; or (ii) forfeited due to a failure to make a claim under RCW
28 63.32.010 or 63.40.010; may be disposed of in any manner determined by
29 the local legislative authority. Any proceeds of an auction or trade
30 may be retained by the legislative authority. This subsection (2)(a)
31 applies only to firearms that come into the possession of the law
32 enforcement agency after June 30, 1993, and applies only if the law
33 enforcement agency has complied with (b) of this subsection.

34 By midnight, June 30, 1993, every law enforcement agency shall
35 prepare an inventory, under oath, of every firearm that has been
36 judicially forfeited, has been seized and may be subject to judicial
37 forfeiture, or that has been, or may be, forfeited due to a failure to
38 make a claim under RCW 63.32.010 or 63.40.010.

1 (b) Except as provided in (c) of this subsection, of the
2 inventoried firearms a law enforcement agency shall destroy illegal
3 firearms, may retain a maximum of ten percent of legal forfeited
4 firearms for agency use, and shall either:

5 (i) Comply with the provisions for the auction of firearms in RCW
6 9.41.098 that were in effect immediately preceding May 7, 1993; or

7 (ii) Trade, auction, or arrange for the auction of, rifles and
8 shotguns. In addition, the law enforcement agency shall either trade,
9 auction, or arrange for the auction of, short firearms, or shall pay a
10 fee of twenty-five dollars to the state treasurer for every short
11 firearm neither auctioned nor traded, to a maximum of fifty thousand
12 dollars. The fees shall be accompanied by an inventory, under oath, of
13 every short firearm listed in the inventory required by (a) of this
14 subsection, that has been neither traded nor auctioned. The state
15 treasurer shall credit the fees to the firearms range account
16 established in RCW 77.12.720. All trades or auctions of firearms under
17 this subsection shall be to commercial sellers. Proceeds of any
18 auction less costs, including actual costs of storage and sale, shall
19 be forwarded to the firearms range account established in RCW
20 77.12.720.

21 (c) Antique firearms as defined by RCW 9.41.150 and firearms
22 recognized as curios, relics, and firearms of particular historical
23 significance by the United States treasury department bureau of
24 alcohol, tobacco, and firearms are exempt from destruction and shall be
25 disposed of by auction or trade to commercial sellers.

26 (d) Firearms in the possession of the Washington state patrol on or
27 after May 7, 1993, that are judicially forfeited and no longer needed
28 for evidence, or forfeited due to a failure to make a claim under RCW
29 63.35.020, must be disposed of as follows: (i) Firearms illegal for
30 any person to possess must be destroyed; (ii) the Washington state
31 patrol may retain a maximum of ten percent of legal firearms for agency
32 use; and (iii) all other legal firearms must be auctioned or traded to
33 commercial sellers. The Washington state patrol may retain any
34 proceeds of an auction or trade.

35 (3) The court shall order the firearm returned to the owner upon a
36 showing that there is no probable cause to believe a violation of
37 subsection (1) of this section existed or the firearm was stolen from
38 the owner or the owner neither had knowledge of nor consented to the
39 act or omission involving the firearm which resulted in its forfeiture.

1 (4) A law enforcement officer of the state or of any county or
2 municipality may confiscate a firearm found to be in the possession of
3 a person under circumstances specified in subsection (1) of this
4 section. After confiscation, the firearm shall not be surrendered
5 except: (a) To the prosecuting attorney for use in subsequent legal
6 proceedings; (b) for disposition according to an order of a court
7 having jurisdiction as provided in subsection (1) of this section; or
8 (c) to the owner if the proceedings are dismissed or as directed in
9 subsection (3) of this section.

10 **Sec. 5.** RCW 9.41.310 and 1988 c 36 s 4 are each amended to read as
11 follows:

12 After a public hearing, the department of fish and wildlife shall
13 publish a pamphlet on firearms safety and the legal limits of the use
14 of firearms. The pamphlet shall include the list of safety training
15 resources compiled by the director of the department of licensing, and
16 current information on firearms laws and regulations and state
17 preemption of local firearms laws. No hearing is required before
18 including the list of safety training resources, and no governmental
19 entity or employee is liable for errors in the list.

20 This pamphlet may be used in the department's hunter safety
21 education program and shall be provided to the department of licensing
22 for distribution to firearms dealers and persons authorized to issue
23 concealed pistol licenses. The department of fish and wildlife shall
24 reimburse the department of licensing for costs associated with
25 distribution of the pamphlet.

26 NEW SECTION. **Sec. 6.** A new section is added to chapter 9.41 RCW
27 to read as follows:

28 (1) The director of the department of licensing shall approve and
29 administer a written examination to measure proficiency in the safe
30 storage, handling, and use of short firearms, and to measure knowledge
31 of laws concerning firearms, including the legal use of deadly force.
32 For the purpose of this section, "short firearm" has the meaning
33 defined in RCW 9.41.010. The examination shall be available at the
34 times and the locations as the director determines.

35 (2) The director of the department of licensing shall determine a
36 minimum satisfactory score for the examination and shall issue a
37 certificate to each person achieving a satisfactory score. The

1 director of the department of licensing may charge a uniform fee of ten
2 dollars for the examination.

3 (3)(a) The director of the department of licensing shall compile a
4 list of public and private resources offering firearm safety training
5 that, in the opinion of the director, provide adequate instruction in
6 short firearm use and safety and in firearms laws. The director shall
7 review and update the list at least once every three years.

8 (b) Whether to include a resource in the list shall be in the
9 director's sole discretion, and neither the director, the department,
10 nor the state shall be liable as the result of the inclusion or
11 exclusion of a resource.

12 (c) The director shall provide the list to the department of fish
13 and wildlife for inclusion in the pamphlet required by RCW 9.41.310.

14 NEW SECTION. **Sec. 7.** (1) The director of the department of
15 licensing shall, by November 15, 1994, submit a plan to the governor
16 for a firearm division within the department of licensing, with the
17 division to begin operations no later than January 1, 1995.

18 (2) The responsibilities of the firearm division shall include, but
19 not be limited to, the following:

20 (a) Current and future responsibilities of the department of
21 licensing concerning the licensing of firearm dealers;

22 (b) Current and future responsibilities of the department of
23 licensing concerning the issuance of concealed pistol licenses;

24 (c) Assisting the director with his or her responsibilities under
25 RCW 9.41.310; and

26 (d) In addition to those responsibilities listed in (a), (b), and
27 (c) of this subsection, current or future responsibilities of the
28 department of licensing concerning firearms.

29 **Sec. 8.** RCW 48.19.030 and 1989 c 25 s 3 are each amended to read
30 as follows:

31 Rates shall be used, subject to the other provisions of this
32 chapter, only if made in accordance with the following provisions:

33 (1) In the case of insurances under standard fire policies and that
34 part of marine and transportation insurances not exempted under RCW
35 48.19.010, manual, minimum, class or classification rates, rating
36 schedules or rating plans, shall be made and adopted; except as to
37 specific rates on inland marine risks individually rated, which risks

1 are not reasonably susceptible to manual or schedule rating, and which
2 risks by general custom of the business are not written according to
3 manual rates or rating plans.

4 (2) In the case of casualty and surety insurances:

5 (a) The systems of expense provisions included in the rates for use
6 by any insurer or group of insurers may differ from those of other
7 insurers or groups of insurers to reflect the requirements of the
8 operating methods of any such insurer or group with respect to any kind
9 of insurance, or with respect to any subdivision or combination thereof
10 for which subdivision or combination separate expense provisions are
11 applicable.

12 (b) Risks may be grouped by classifications for the establishment
13 of rates and minimum premiums. Classification rates may be modified to
14 produce rates for individual risks in accordance with rating plans
15 which establish standards for measuring variations in hazards or
16 expense provisions, or both. Such standards may measure any
17 differences among risks that can be demonstrated to have a probable
18 effect upon losses or expenses.

19 (3) Due consideration in making rates for all insurances shall be
20 given to:

21 (a) Past and prospective loss experience within this state for
22 experience periods acceptable to the commissioner. If the information
23 is not available or is not statistically credible, an insurer may use
24 loss experience in those states which are likely to produce loss
25 experience similar to that in this state.

26 (b) Conflagration and catastrophe hazards, where present.

27 (c) Proficiency by firearm owners in the safe storage, handling,
28 and use of firearms, and knowledge of firearm owners of the laws
29 concerning short firearms, including the legal use of deadly force.
30 Casualty insurers are encouraged to offer premium reductions to firearm
31 owners who have demonstrated this proficiency on a written examination
32 administered by the department of licensing, where a reduced loss
33 experience from firearm injuries or deaths reasonably might be expected
34 to result in a reduced loss experience by the insurer. For the
35 purposes of this section, "short firearm" has the meaning defined in
36 RCW 9.41.010.

37 (d) A reasonable margin for underwriting profit and contingencies.

1 (~~(d)~~) (e) Dividends, savings and unabsorbed premium deposits
2 allowed or returned by insurers to their policyholders, members, or
3 subscribers.

4 (~~(e)~~) (f) Past and prospective operating expenses.

5 (~~(f)~~) (g) Past and prospective investment income.

6 (~~(g)~~) (h) All other relevant factors within and outside this
7 state.

8 (4) In addition to other factors required by this section, rates
9 filed by an insurer on its own behalf may also be related to the
10 insurer's plan of operation and plan of risk classification.

11 (5) Except to the extent necessary to comply with RCW 48.19.020
12 uniformity among insurers in any matter within the scope of this
13 section is neither required nor prohibited.

14 NEW SECTION. **Sec. 9.** The sum of ten thousand dollars, or as much
15 thereof as may be necessary, is appropriated for the biennium ending
16 June 30, 1995, from the state general fund to the department of
17 licensing for the purposes of this act.

18 NEW SECTION. **Sec. 10.** Sections 2, 3, 5, and 6 of this act shall
19 take effect January 1, 1995.

20 NEW SECTION. **Sec. 11.** The director of the department of licensing
21 and the director of the department of fish and wildlife may take such
22 steps as are necessary to ensure that this act is implemented on its
23 effective date.

24 NEW SECTION. **Sec. 12.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

--- END ---