
ENGROSSED SUBSTITUTE HOUSE BILL 2118

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Walen, Berry, Senn, Reed, Ormsby, Ramel, Peterson, Macri, Farivar, Doglio, Wylie, Reeves, Hackney, Pollet, Kloba, and Davis)

READ FIRST TIME 01/24/24.

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. Any law enforcement agency acting within
10 the scope of its jurisdiction may investigate a breach of the
11 licensing conditions established in this chapter.

12 (5)(a) A licensing authority shall, within (~~thirty~~) 30 days
13 after the filing of an application of any person for a dealer's
14 license, determine whether to grant the license. However, if the
15 applicant does not have a valid permanent Washington driver's license
16 or Washington state identification card, or has not been a resident
17 of the state for the previous consecutive (~~ninety~~) 90 days, the
18 licensing authority shall have up to (~~sixty~~) 60 days to determine
19 whether to issue a license. No person shall qualify for a license
20 under this section without first receiving a federal firearms license
21 and undergoing fingerprinting and a background check. In addition, no
22 person ineligible to possess a firearm under RCW 9.41.040 or
23 ineligible for a concealed pistol license under RCW 9.41.070 shall
24 qualify for a dealer's license.

25 (b) A dealer shall require every employee who may sell a firearm
26 in the course of his or her employment to undergo fingerprinting and
27 a background check in advance of engaging in the sale or transfer of
28 firearms and to undergo a background check annually thereafter. An
29 employee must be at least 21 years of age, eligible to possess a
30 firearm, and must not have been convicted of a crime that would make
31 the person ineligible for a concealed pistol license, before being
32 permitted to sell a firearm. Every employee shall comply with
33 requirements concerning purchase applications and restrictions on
34 delivery of firearms that are applicable to dealers.

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

39 (7)(a) Except as otherwise provided in (b) of this subsection,
40 the business shall be carried on only in the building designated in

1 the license. For the purpose of this section, advertising firearms
2 for sale shall not be considered the carrying on of business.

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

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

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

23 (~~((8))~~) (9)(a) The business building location designated in the
24 license shall be secured:

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

28 (A) Bars or grates;

29 (B) Security screens; or

30 (C) Commercial grade metal doors; and

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

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

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

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

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

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

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

10 (b) Other than during business hours, all firearms shall be
11 secured (i) on the dealer's business premises in a locked fireproof
12 safe or vault, (ii) in a room or building that meets all requirements
13 of subsection (9)(a) of this section, or (iii) in a secured and
14 locked area under the dealer's control while the dealer is conducting
15 business at a temporary location.

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

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

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

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

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

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

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

33 (iv) The system shall be capable of recording 24 hours per day at
34 a frame rate no less than 15 frames per second, and must either (A)
35 record continuously or (B) be activated by motion and remain active
36 for at least 15 seconds after motion ceases to be detected;

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

1 (vi) Recordings shall be maintained for a minimum of 90 days for
2 all recordings of areas where firearms are displayed and points of
3 sale, and for a minimum of 45 days for all recordings of interior
4 views of exterior doors, windows, and any other entries or exits;

5 (vii) Recorded images shall clearly and accurately display the
6 date and time;

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

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

13 (i) A dealer shall allow access to the system or release
14 recordings to any person pursuant to search warrant or other court
15 order.

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

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

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

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

31 (12) A dealer shall:

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

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

1 (13) A dealer shall:

2 (a) Establish and maintain a book, or if the dealer should
3 choose, an electronic-based record of purchase, sale, inventory, and
4 other records at the dealer's place of business and shall make all
5 such records available to law enforcement upon request. Such records
6 shall at a minimum include the make, model, caliber or gauge,
7 manufacturer's name, and serial number of all firearms that are
8 acquired or disposed of not later than one business day after their
9 acquisition or disposition;

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

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

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

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

27 (f) Maintain for six years copies of trace requests received,
28 including notations for trace requests received by phone for six
29 years;

30 (g) Provide annual reporting to the Washington state attorney
31 general concerning trace requests, including at a minimum the
32 following:

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

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

36 (iii) Whether the dealer was inspected by the bureau of alcohol,
37 tobacco, firearms and explosives, and copies of any reports of
38 violations or letters received from the bureau of alcohol, tobacco,
39 firearms and explosives.

1 (14) The attorney general may create, publish, and require
2 firearm dealers to file a uniform form for all annual dealer reports
3 required by subsection (13)(g) of this section.

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

6 (16)(a) No firearm may be sold: (i) In violation of any
7 provisions of this chapter; nor (ii) under any circumstances unless
8 the purchaser is personally known to the dealer or shall present
9 clear evidence of his or her identity.

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

15 (c) The license fee for pistols shall be one hundred twenty-five
16 dollars. The license fee for firearms other than pistols shall be one
17 hundred twenty-five dollars. The license fee for ammunition shall be
18 one hundred twenty-five dollars. Any dealer who obtains any license
19 under subsection (1), (2), or (3) of this section may also obtain the
20 remaining licenses without payment of any fee. The fees received
21 under this section shall be deposited in the state general fund.

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

32 (b) The dealer shall transmit the information from the firearm
33 transfer application through secure automated firearms e-check (SAFE)
34 to the Washington state patrol firearms background check program. The
35 Washington state patrol firearms background check program shall
36 transmit the application information for pistol and semiautomatic
37 assault rifle transfer applications to the director of licensing
38 daily. The original application shall be retained by the dealer for
39 six years.

1 ~~((10))~~ (18) Subsections (2) through ~~((9))~~ (17) of this
2 section shall not apply to sales at wholesale.

3 ~~((11))~~ (19) Subsections (6) and (9) through (15) of this
4 section shall not apply to dealers with a sales volume of \$1,000 or
5 less per month on average over the preceding 12 months. A dealer that
6 previously operated under this threshold and subsequently exceeds it
7 must comply with the requirements of subsections (6) and (9) through
8 (15) of this section within one year of exceeding the threshold.

9 (20) The dealer's licenses authorized to be issued by this
10 section are general licenses covering all sales by the licensee
11 within the effective period of the licenses. The department shall
12 provide a single application form for dealer's licenses and a single
13 license form which shall indicate the type or types of licenses
14 granted.

15 ~~((12))~~ (21) Except as otherwise provided in this chapter, every
16 city, town, and political subdivision of this state is prohibited
17 from requiring the purchaser to secure a permit to purchase or from
18 requiring the dealer to secure an individual permit for each sale.

19 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2025.

20 NEW SECTION. **Sec. 3.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

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