

**FORMATTING NOTE:**

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (({- text here -})) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

\* \* \*  
INITIATIVE 190

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 190 to the Legislature is a true and correct copy as it was received by this office.

AN ACT Relating to firearm and ammunition safety; adding a new chapter to Title 9 RCW; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

{+ NEW SECTION. +} Sec. 1. This act shall be known as the firearm and ammunition safety licensing act.

{+ NEW SECTION. +} Sec. 2. (1) No person, except as expressly exempted by this chapter, may buy, sell, distribute, or possess a firearm as defined in RCW 9.41.010 or ammunition in this state unless the person has a valid firearm and ammunition safety license issued to residents of this state by the Washington state department of licensing under this chapter. Every licensee must have his or her firearm and ammunition safety license in his or her immediate possession at all times when in possession of a firearm or ammunition and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. A violation of this subsection on the first offense is a misdemeanor, on the second offense a gross misdemeanor, and on the third and subsequent offenses a class C felony under chapter 9A.20 RCW. Prosecutions under this subsection are in addition to and not in lieu of prosecutions under RCW 9.41.040. The effective dates for application of this section are:

- (a) For purchase, sale, or distribution of a firearm, July 1, 1998;
- (b) For possession of a firearm, January 1, 1999;
- (c) For purchase or possession of ammunition, July 1, 1999.

(2) For the purposes of this chapter:

(a) A "resident" is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis.

Evidence of residency includes but is not limited to:

- (i) Becoming a registered voter in this state; or
- (ii) Applying for a Washington state driver's license; or

(iii) Residing within the state for a period of thirty or more consecutive days; or

(iv) Receiving benefits under one of the Washington public assistance programs; or

(v) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(b) "Washington public assistance programs" includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs that are not "Washington public assistance programs" include, but are not limited to, the food stamp program under the federal food stamp act of 1964; programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and aid to families with dependent children, 42 U.S.C. Secs. 601 through 606.

(c) "Department" means department of licensing.

(3) New Washington residents are allowed thirty days from the date they become residents to procure a valid Washington firearm and ammunition safety license.

{+ NEW SECTION. +} Sec. 3. The following persons are exempt from the licensing requirements of this chapter:

(1) Any person in the service of the army, navy, air force, marine corps, or coast guard of the United States, or in the service of the national guard of this state or any other state when in possession of a firearm or ammunition as part of the duties of that service;

(2) A nonresident who is at least eighteen years of age and who has in his or her immediate possession a valid passport, driver's license, or state identification card issued by another jurisdiction;

(3) Any person who is a law enforcement officer duly employed by the United States, Washington state, or one of its political subdivisions;

(4) Any person who is younger than eighteen years of age under the circumstances set forth in RCW 9.41.042.

{+ NEW SECTION. +} Sec. 4. The department shall not issue a firearm and ammunition safety license under this chapter:

(1) To any person prohibited from possessing a firearm by RCW 9.41.040;

(2) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(3) To any person who is required by this chapter to present a certificate of completion of an approved class unless such certificate shall be presented.

{+ NEW SECTION. +} Sec. 5. (1) Every application for a firearm and ammunition safety license shall be made upon a form prescribed and furnished by the department, which shall be sworn to and signed by the applicant before a person authorized to administer oaths.

(2) Every such application shall state the full name, date of birth, sex, and Washington residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has ever been licensed under this chapter, and whether the applicant is precluded from possessing a firearm under RCW 9.41.040.

(3) The director may conduct such further examination as the director deems necessary to determine whether any facts exist that would bar, under RCW 9.41.040, the issuance of the firearm and ammunition safety license.

{+ NEW SECTION. +} Sec. 6. (1) The department may not issue a firearm and ammunition safety license unless the applicant has satisfied the department regarding his or her identity. Except as provided in subsection (2) of this section, an applicant has not satisfied the identity requirement of this section unless he or she displays or provides the department with at least one of the following pieces of valid identifying documentation:

(a) A current driver's license or instruction permit that contains the signature, date of birth, and a photograph of the applicant;

(b) A Washington state identicard or an identification card issued by another state that contains the signature and a photograph of the applicant;

(c) A current or recently expired Washington firearm and ammunition safety license that contains the signature, date of birth, and a photograph of the applicant;

(d) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency, that contains the signature and a photograph of the applicant;

(e) A military identification card that contains the signature and a photograph of the applicant;

(f) A United States passport that contains the signature and a photograph of the applicant; or

(g) An alien firearm license issued by the department under RCW 9.41.170.

(2) A person unable to provide identifying documentation as specified in subsection (1) of this section may request the department review other available documentation in order to ascertain identity. The department may waive the requirement for specific identifying documentation under subsection (1) of this section if it finds the other documentation clearly establishes the identity of the applicant.

{+ NEW SECTION. +} Sec. 7. The department may not issue a firearm and ammunition safety license unless the applicant:

(1) Demonstrates through written examination as determined by the department a knowledge of the safe handling and storage of firearms and ammunition; or

(2) Presents a certificate of completion issued within the preceding twelve months of a class required for issuance of hunting licenses from a course of study approved under RCW 77.32.155.

{+ NEW SECTION. +} Sec. 8. The director shall prescribe the content of the firearm and ammunition safety license examination and the manner of conducting the examination, which shall include but is not limited to a test of the applicant's knowledge of the safe handling and storage of firearms and ammunition.

{+ NEW SECTION. +} Sec. 9. The department, upon receipt of a fee equal to the fee charged for issuance of a driver's license under RCW 46.20.161, which includes the fee for the required photograph, shall issue to every applicant qualifying therefor a firearm and ammunition safety license, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, Washington residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. A license providing a

space for signature shall not be valid until it has been so signed by the licensee.

{+ NEW SECTION. +} Sec. 10. Every firearm and ammunition safety license expires on the fourth anniversary of the licensee's birthdate following the issuance of the license. Every such license is renewable on or before its expiration upon application prescribed by the department. The fee for renewal shall be equal to the fee charged for renewal of a driver's license including the fee for the required photograph under RCW 46.20.181.

{+ NEW SECTION. +} Sec. 11. (1) If a license is lost or destroyed the person to whom it was issued may obtain a duplicate of it upon furnishing proof of such fact satisfactory to the department and payment of a fee of five dollars to the department.

(2) A replacement license may be obtained to change or correct material information upon payment of a fee of two dollars and surrender of the license being replaced.

{+ NEW SECTION. +} Sec. 12. The department shall forthwith revoke the license issued to any person under this chapter upon a determination that the possession, ownership, or control of a firearm by the person is unlawful under RCW 9.41.040.

{+ NEW SECTION. +} Sec. 13. All laws or parts of laws of the state of Washington, its subdivisions, and municipalities inconsistent herewith are hereby preempted and repealed.

{+ NEW SECTION. +} Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

{+ NEW SECTION. +} Sec. 15. Sections 1 through 14 of this act shall constitute a new chapter in Title 9 RCW.

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