WASHINGTON STATE
PAWNBROKERS ASSOCIATION

Washington State Pawnbrokers Association Bill Status & Upcoming Events Report

February 4, 2023

The 2023 Washington State 68th Regular Legislative Session Calendar

January 9, 2023- First day of session
February 17, 2023-Policy Committee Cutoff
February 24, 2023-Fiscal Committee Cutoff
March 8, 2023-House of Origin Crossover
March 29, 2023-Policy Committee Cutoff
April 4, 2023-Fiscal Committee Cutoff
April 12, 2023-Final Opposite House Cutoff
April 23, 2023-Sine Die. Last day allowed for regular session under the state constitution.

Legislative Calendar~ The 2023 Legislative session lasts 105-days and begins a new biennial budget writing cycle for the 3 state budgets: operating, capital, and transportation. The first deadline in the legislative process is February 17th and is commonly called "policy committee" cutoff. Bills must pass out of their respective policy committee of origin, except for House fiscal committees, Senate Ways & Means, & Transportation, in order to remain alive in the process.

Week #5~ Heading into week #5 of regular session & the Legislature has collectively introduced 2000+ bills thus far. Political pundits are estimating 3000+ by the end of session. We have two weeks until the first deadline on February 17th-policy cutoff.

Firearm Legislation Overload & Over-the-Top~ Because of the plethora of restrictive firearm legislation introduced thus far, I thought I'd provide you with a summary of each of the bills that deal with FFL's and if passed, how it will impact your businesses. These bills are way "over-the-top" from anything we've seen over the last few years. With the wide margins between the R & D majorities, I believe at least ONE of these BAD bills I've summarized below will pass the Legislature & Inslee will sign it into law. I hope I'm wrong….
Let me know if you want me to sign-in on the bills that the Association may want to take a position on, I'm happy to sign-in. I defer to you all for direction as how you want to proceed. Thank guys! TW

Upcoming Events for Week 2/6 Thru 2/10

Appropriations (House) - HHR A and Virtual JLOB - 2/8 @ 4:00pm

• SHB 1143 - Public Hearing - Concerning requirements for the purchase or transfer of firearms.

Governor Inslee request. **Companion bill** to **SB 5211.** This bill has already passed policy committee & is now in a fiscal committee because of the background check/fingerprinting fees included in the bill. It's alive until the last day of session because it's tied to the budget. **Bad bill.**

Background: State Firearms Background Check System. Pursuant to legislation enacted in 2020, the Washington State Patrol (WSP) Firearms Background Check Program is in the process of establishing a centralized state firearms background check system, which is expected to be operational statewide beginning January 1, 2024. Once the state system is operational, firearms dealers must contact the WSP Firearms Background Check Program to conduct background checks for all firearms transfers. Once the state firearms background check system is operational, the WSP will charge a fee of up to $18 for all firearms transfers, and the intent of the Legislature is that this firearm transfer fee replaces the fee for semiautomatic assault rifles.

Summary of Substitute Bill: Dealer Deliveries of Firearms. A dealer may not transfer any firearm to a purchaser until: the purchaser produces a valid permit to purchase firearms; the dealer is notified by the WSP Firearms Background Check Program that the purchaser is eligible to possess a firearm; and 10 days have elapsed since the dealer requested the background check. Application and recordkeeping requirements that currently apply to pistol and semiautomatic assault rifle transfers are made applicable to all firearms transfers. Provisions governing investigative holds on the delivery of a firearm based on outstanding warrants or open or pending criminal charges are eliminated.

Permit to Purchase Firearms. A person may apply for a permit to purchase firearms with the WSP Firearms Background Check Program. The applicant must submit with the application a complete set of fingerprints taken by the local law enforcement agency in the jurisdiction in which the applicant resides and a certificate of completion of a certified firearms safety training program within the last five years, or proof that the applicant is exempt from the training requirement. The application must include the applicant's: full name and place and date of birth; residential address and mailing address if different from the residential address; driver's license number or state identification card number; physical description; race and gender; telephone number and email address, at the option of the applicant; and signature. The WSP Firearms Background Check Program must issue a permit to purchase firearms to an eligible applicant, or deny the application, within 30 days of the date the application was filed, or within 60 days if the applicant does not have a valid Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive 90 days. An application must not be denied unless the applicant: • is prohibited from purchasing or possessing a firearm under state or federal law; is subject to a court order or injunction regarding firearms under laws governing protection orders, no-contact orders, and restraining orders, or local law enforcement reasonably believes based on open cases or investigations that the applicant may soon be subject to a court order or injunction regarding firearms; • is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense; has an outstanding arrest warrant from any court of competent jurisdiction for a felony or misdemeanor; or • has failed to produce a certificate of completion of a certified firearms safety training program within the last five years, or proof that the applicant is exempt from the training requirement. • A permit to purchase firearms is valid for a period of five years and may be renewed for a subsequent five-year period by applying for renewal within 90 days before or after the expiration date of the permit. The WSP Firearms Background Check Program must establish fees for applications for original and renewal permits to

purchase firearms, and for late renewal. The fees must be set in an amount that will cover the costs of administering the permit to purchase firearms program but must not exceed $25. Beginning five years after the effective date of the act, permit fees may be adjusted on a biennial basis based on a biennial cost study. Revenue from the fees must be transmitted to the State Treasurer for deposit in the state Firearms Background Check System Account. A signed application constitutes a waiver of confidentiality and written request that the Health Care Authority, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a permit to purchase firearms to a court or the WSP Firearms Background Check Program. The WSP Firearms Background Check Program must revoke a permit to purchase firearms upon the occurrence of any act or condition that would prevent the issuance of a permit to purchase firearms. A written notice of the revocation must be sent to the permit holder stating the specific grounds on which the permit is revoked and that the person must surrender his or her permit to purchase firearms to the WSP within 48 hours of receipt of the notification. The WSP Firearms Background Check Program must annually verify that persons who have been issued a permit to purchase firearms remain eligible to possess firearms.

Firearms Safety Training. An applicant for a permit to purchase firearms must provide a certificate of completion of a certified firearms safety training program. The program must include instruction on components currently required for firearms safety training for semiautomatic assault rifles and in addition must include instruction on: state laws pertaining to the use of deadly force for self-defense; techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution; and live-fire shooting exercises on a firing range that include a demonstration by the applicant of the safe handling of, and shooting proficiency with, firearms. The WSP must certify training programs that meet these requirements and prescribe the form of documentation for use as proof of completion of a training program or proof of an exemption. Exemptions from the training requirement are provided for: general authority Washington peace officers and the following peace officers who have arrest powers and carry a firearm; and federal peace officers; and military members who have completed firearms training within the last five years as part of service that included training on the safe handling of, and shooting proficiency with, firearms.

Other Provisions. Firearm transfer and background check processes are revised to conform to procedures that will apply upon implementation of the state firearms background check program, including requiring background checks through the WSP Firearms Background Check Program rather than local law enforcement agencies. A dealer must transmit the information from firearms purchase application through secure automated firearms e-check (SAFE) to the WSP Firearms Background Check Program. The WSP Firearms Background Check Program must transmit the application information to the DOL daily; requires the DOL to retain records of all firearm transfers.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2025.

Law & Justice (Senate) - SHR 4 and Virtual JACB - 2/9 @ 8:00am

• SB 5232 - Public Hearing - Enhancing requirements for the purchase or transfer of firearms.

Companion bill to **HB 1144** **Another Bad Bill.**

Background: Time and Waiting Periods. Washington has not historically had a waiting or cooling-off period before a firearm can be delivered to the purchaser. Currently, except for semiautomatic rifles, a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of: the results of all required background checks are known, and the purchaser or transferee is not prohibited from owning a firearm under federal or state law, and does not have a voluntary waiver of firearm rights currently in effect; or • ten business days have elapsed from the date the dealer requested the background check. • For

the sale or transfer of a pistol, if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive 90 days, the time period is increased to 60 days. A dealer may not deliver a semiautomatic rifle to a purchaser or transferee until ten business days have elapsed from the date of purchase application, or, in the case of a transfer, ten business days have elapsed from the date a background check is initiated. **Current Firearm Training and Safety**. To purchase a semiautomatic rifle, the purchaser must provide proof to the dealer that they completed a recognized firearm training program within the last five years. At a minimum the training program must include instruction on: • basic firearm safety rules; firearms and children, including secure gun storage and talking to children about gun safety; • • firearm and suicide prevention; • secure gun storage; • safe handling of firearms; and • state and federal firearm laws, including prohibited firearm transfers. The training must be sponsored by a federal, state, county, or municipal law enforcement agency, college or university, firearms training school with certified instructors, or other national recognized organizations that typically offer firearm training.
Summary of Bill: A firearms dealer may not transfer any firearm to a purchaser or transferee until the completion of a background check indicating the person is eligible to possess firearms, and ten days have elapsed since the dealer requested the background check. Provisions governing investigative holds on the delivery of a firearm based on outstanding warrants, or open or pending criminal charges are eliminated. A dealer may not transfer any firearm to a purchaser or transferee unless the purchaser produces a certificate of completion of a certified firearms safety training program within the last five years. The training program requirement does not apply to certified peace officers, or members of the military who have completed firearms training within the last five years as part of service that included training on the safe handling of, and shooting proficiency with, firearms. The firearm safety training program must be certified by WSP, and at a minimum include instruction on: • basic firearm safety rules; firearms and children, including secure gun storage and talking to children about gun safety; • • firearms and suicide prevention; • secure gun storage; • safe handling of firearms; state and federal firearms laws, including prohibited firearms and locations where firearms are prohibited; • • state laws pertaining to the use of deadly force for self-defense; techniques for avoiding a criminal attack, and how to manage a violent confrontation, including conflict resolution; and • live-fire shooting exercises on a firing range that include a demonstration by the applicant of the safe handling of, and shooting proficiency with firearms. • Transfer application requirements and the requirement that a dealer must make a record for pistol and semiautomatic assault rifle transfers are made applicable to all firearm transfers. Effective January 1, 2024, a state background check must be conducted for all firearm transfers. Firearm transfers and background check processes are revised to conform to procedures that will apply upon implementation of the State Firearm Background Check Program, including requiring background checks through the WSP Firearm Background Check Program (program) rather than local law enforcement agencies. A dealer must transmit the information from a firearms purchase application through secure automated firearms e-check (SAFE) to the WSP program. The WSP program must transmit the application information to the Department of Licensing daily. The fee applicable to the purchase or transfer of semiautomatic assault rifles is eliminated. Beginning January 1, 2024, firearm dealers must use the WSP program to effectuate the necessary background checks prior to delivering any firearm to a purchaser and may not deliver any firearm after this date unless the dealer is notified in writing by WSP that the purchaser is eligible to possess firearms, and ten business days have elapsed from the date the dealer requested the background check. At the time of applying for the purchase of any firearm, the purchaser must sign in triplicate and deliver to the dealer an application containing the purchaser's full name, address, place of birth, race, and gender. The application must contain the date and hour of the application, the applicant's driver's license number or identification card number, a description of the firearm including the make, model, caliber, and

manufacturer's number, a statement that the purchaser is eligible to purchase the firearm under state and federal law, and a statement that the purchaser has completed a recognized firearm safety training program within the last five years.
Effective Date: January 1, 2024, dealers must use SAFE background check system for all transfers & purchases and report transfers & purchases made daily.

Other Firearm Related Legislation on Bill Tracker

You can check the status of the bill on the tracking list following this section of the report

HB 1130 /SB 5078 Protecting public safety by establishing duties of firearm industry members.
By Request: Office of the Governor, Attorney General. The bill requires firearm industry members to establish and implement controls for the manufacture, sale and marketing of their products. This bill would give victims the Private Right of Action.
Summary of Bill: **Firearm Industry Members' Duties**. Firearm industry members, are defined as persons engaged in the wholesale or retail sale, manufacturing, distribution, importing, or marketing of firearms or related products, or any officer or agent to act on behalf of such persons or who acts in active concert or participation with such persons, are prohibited from knowingly creating, maintaining, or contributing to a public nuisance in Washington through the sale, manufacture, distribution, importing, or marketing of firearms or related products. Firearm industry members are required to implement, and enforce reasonable controls, such as screening, security, and inventory practices, to prevent specified harms. This includes requiring firearm industry members to take reasonable precautions to ensure they do not sell or distribute firearms and related products to straw purchasers and gun traffickers, or sell or distribute firearms and related products to a downstream distributor or retailer that fails to implement reasonable controls. Firearm industry members may not manufacture, distribute, import, market, or offer for wholesale or retail sale a firearm or related product that is designed, sold, or marketed in a manner that is targeted at minors or individuals who are legally prohibited from purchasing or possessing firearms, or that foreseeably promotes conversion of a legal firearm or related product into an illegal firearm or related product. A violation of these duties is a public nuisance. A firearm industry member's conduct in violation of these duties constitutes a proximate cause of the public nuisance if the harm is a reasonably foreseeable effect of the conduct including criminal actions by third parties.
Attorney General. For purposes of the Consumer Protection Act, a violation of the firearm industry members' duties stated above is considered an unfair or deceptive act in trade or commerce and an unfair method of competition. If the attorney general has reason to believe a firearm industry member has violated these duties, they may commence an action to seek and obtain any remedies available against the firearm industry member. The attorney general may also seek and obtain punitive damages up to three times the actual damages sustained by the state, reasonable attorneys' fees, and costs of the action. Whenever the attorney general believes a person may be in possession of information related to an investigation into a violation of the firearm industry members' duties stated above, or who may have knowledge of information related to the subject matter of such an investigation, the attorney general may, prior to initiating a civil proceeding on the matter, serve such person with a civil investigative demand requiring the person to divulge this information. **Private Right of Action**. A private right of action is created for individuals who have suffered harm as a result of a firearm industry member's acts or omissions in violation of duties stated above. A party seeking such relief does not need to demonstrate that the firearm industry member acted with the purpose to engage in a public nuisance or otherwise cause harm to the public. In addition to the remedies available for an action against a public nuisance, a

party seeking relief against a firearms industry member may also seek and obtain injunctive relieve, compensatory damages, punitive damages up to three times the actual damages sustained, and reasonable attorney's fees, filing fees, and reasonable costs of the action. This cause of action may not be construed or implied to limit or impair the right of any person, including the attorney general, to pursue a legal action under any other law, or to limit or impair an obligation or requirement placed on a firearm industry member by any other law.
Effective date: 90 days after session- July 12, 2023.

HB 1178/SB 5446 Concerning local government authority to regulate firearms.
Brief Summary of Bill: Repeals the statute that preempts local jurisdictions from adopting laws relating to firearms. Provides that nothing in the chapter of law governing firearms modifies or limits the power of a city, municipality, or county to adopt laws relating to firearms that are in addition to or more restrictive than state law. Removes the provisions that limit local regulation of firearms, including removing provisions that currently place restrictions on business that sell firearms.
Effective date: 90 days after session- July 12, 2023.

SB 5193/HB 1180 Establishing firearms-related safety measures to increase public safety.
By Request: Office of the Governor, Attorney General. Neither bill has been scheduled for a public hearing to date. This going to a real sh**show at the Capitol when the bills are scheduled for public hearings.
Brief Summary of Bill: Prohibits the manufacture, importation, distribution, selling, and offering for sale of assault weapons. Assault Weapon Defined: The term "assault weapon" is defined to include various kinds of firearms, including: semiautomatic rifles with an overall length of less than 30 inches; semiautomatic centerfire rifles that have the capacity to accept a detachable magazine and have one or more additional features listed in the bill; semiautomatic centerfire rifles with a fixed magazine with the capacity to accept more than 10 rounds; semiautomatic pistols that have the capacity to accept a detachable magazine and have one or more additional features listed in the bill; semiautomatic shotguns that have one or more additional features listed in the bill; specific firearm models identified in the bill; and conversion kits and parts that can be used to assemble an assault weapon or convert a firearm into an assault weapon, if the parts are in the possession of or under the control of the same person. **Limited Exemptions:** Provides limited exemptions applicable to licensed firearm manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies for purposes of sale to agency; the distribution, offer for sale, or sale of an assault weapon to or by a dealer that is properly licensed under federal and state law where the dealer acquires the assault weapon from an individual legally authorized to possess or transfer the assault weapon for the purpose of selling or transferring the assault weapon to a person who does not reside in this state. The purpose of this is to allow individuals who no longer wish to own an assault weapon to sell their assault weapon and is not intended to allow Washington dealers to purchase assault weapons wholesale for the purpose of selling a stock or inventory of assault weapons online or in person to nonresidents. A person who legally receives an assault weapon may not sell or transfer the assault weapon to any other person in this state other than to a licensed dealer, to a federally licensed gunsmith for the purpose of service or repair, or to a law enforcement agency for the purpose of permanently relinquishing the assault weapon. Any person may acquire possession of an assault weapon by operation of law upon the death of the weapon's former owner, if that former owner was in legal possession of the weapon and the person who acquires possession can establish such provenance. A violation of these restrictions is classified as a gross misdemeanor. **Attorney**

General: The Consumer Protection Act (CPA) prohibits unfair methods of competition, and unfair or deceptive acts or practices in trade or commerce. If a person is injured in their business or property by a violation of the CPA, the person may bring a civil action to enjoin further violations and recover actual damages, costs, and reasonable attorney's fees. The attorney general may also seek and obtain punitive damages up to three times the actual damages sustained by the state
Effective date: Immediately upon Governor's signature.

SHB 1240/SB 5265 Establishing firearms-related safety measures to increase public safety.
By Request: Office of the Governor, Attorney General.
Brief Bill Summary: The manufacture, importation, distribution, sale, or offer for sale of any assault weapon is prohibited. The term "assault weapon" is defined to include various kinds of firearms, including: semiautomatic rifles with an overall length of less than 30 inches; semiautomatic centerfire rifles that have the capacity to accept a detachable magazine and have one or more additional features listed in the bill; semiautomatic centerfire rifles with a fixed magazine with the capacity to accept more than 10 rounds; semiautomatic pistols that have the capacity to accept a detachable magazine and have one or more additional features listed in the bill; semiautomatic shotguns that have one or more additional features listed in the bill; specific firearm models identified in the bill; and conversion kits and parts that can be used to assemble an assault weapon or convert a firearm into an assault weapon, if the parts are in the possession of or under the control of the same person. The term "assault weapon" excludes antique firearms, firearms that have been made permanently inoperable, and firearms that are manually operated by bolt, pump, lever, or slide action. The restrictions on assault weapons are subject to several exceptions: Licensed firearms manufacturers are authorized to manufacture, import, distribute, offer for sale, and sell assault weapons for the purpose of sale to the armed forces of the United States or Washington, or to any law enforcement agencies for law enforcement purposes, or to a person who does not reside in Washington. Licensed manufacturers may make sales to any law enforcement agency; and to persons who do not reside in Washington; Licensed firearms dealers are authorized to import, distribute, offer for sale, and sell assault weapons for the purpose of sale to the armed forces of the United States or Washington, or to law enforcement agencies in Washington for law enforcement purposes. Licensed firearms dealers are authorized to distribute, offer for sale, and sell assault weapons that were acquired from an individual legally authorized to possess or transfer the weapon, for the purpose of selling or transferring the weapon to a person who does not reside in Washington. Any person may acquire possession of an assault weapon by operation of law upon the death of the weapon's former owner, if that former owner was in legal possession of the weapon and the person who acquires possession can establish such provenance. A violation of these restrictions is classified as a gross misdemeanor. Additionally, a violation is classified as a matter vitally affecting the public interest, not reasonable in relation to the development and preservation of business, and an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the Consumer Protection Act.
Effective date: Immediately upon Governor's signature.

WSPA Bill Status

Firearm Related Legislation

Bill #	Abbrev. Title	Short Description	Status	Sponsor
HB 1130 (SB 5078)	Firearm industry duties	Protecting public safety by establishing duties of firearm industry members.	H Civil R & Judi	Hackney
SHB 1143 (SB 5211)	Firearms/purchase & transfer	Concerning requirements for the purchase or transfer of firearms.	H Approps	Berry
HB 1144 (SB 5232)	Firearms/purchase & transfer	Enhancing requirements for the purchase or transfer of firearms.	H Civil R & Judi	Berry
HB 1178 (SB 5446)	Firearms/local government	Concerning local government authority to regulate firearms.	H Civil R & Judi	Hackney
HB 1180 (SB 5193)	Firearms/assault weapons	Establishing firearms-related safety measures to increase public safety.	H Civil R & Judi	Peterson
HB 1195	Weapons/parks & hospitals	Prohibiting the open carry of certain weapons in public parks and public hospitals.	H Civil R & Judi	Senn
SHB 1240 (SB 5265)	Firearms/assault weapons	Establishing firearms-related safety measures to increase public safety.	H Rules R	Peterson
SB 5078 (HB 1130)	Firearm industry duties	Protecting public safety by establishing duties of firearm industry members.	S Ways & Means	Pedersen
SB 5193 (HB 1180)	Firearms/assault weapons	Establishing firearms-related safety measures to increase public safety.	S Law & Justice	Kuderer
SB 5211 (SHB 1143)	Firearms/purchase & transfer	Concerning requirements for the purchase or transfer of firearms.	S Law & Justice	Liias
SB 5232 (HB 1144)	Firearms/purchase & transfer	Enhancing requirements for the purchase or transfer of firearms.	S Law & Justice	Salomon
SB 5265 (SHB 1240)	Firearms/assault weapons	Establishing firearms-related safety measures to increase public safety.	S Law & Justice	Kuderer
SB 5436 (HB 1629)	Firearm transfers to museums	Concerning transfers of firearms to museums and historical societies.	S Law & Justice	Wilson
SB 5444	Firearm sensitive places	Concerning firearm sensitive places.	S Law & Justice	Valdez
SB 5446 (HB 1178)	Firearms/local government	Concerning local government authority to regulate firearms.	S Law & Justice	Nguyen
SB 5669	Firearms/individual right	Concerning rights of individuals to bear arms.	S Law & Justice	Fortunato

Other Industry Related Legislation

Bill #	Abbrev. Title	Short Description	Status	Sponsor

HB 1456	Definition of theft	Concerning the definition of theft.	H Community Safe	Griffey
SB 5049	Firearm theft	Concerning firearm theft.	S Law & Justice	Wilson
SB 5062	Online marketplaces	Concerning online marketplace consumer protection caused by organized retail crime.	S Environment, E	Lovick
SB 5160	Organized retail theft	Concerning organized retail theft.	S 2nd Reading	Torres

Employer/Business/Labor Related Bills

Bill #	Abbrev. Title	Short Description	Status	Sponsor
HB 1217	Wage complaints	Brief Summary of Bill: Authorizes the Department of Labor and Industries to demand interest on wages owed when a wage complaint is filed & prohibits the Department from waiving or reducing the interest unless the employee requests a waiver or reduction. Requires the Department to convene a work group to develop strategies to provide relief to workers of wage theft, including the creation of a wage recovery fund.	H Labor & Workpl	Ortiz-Self
SSB 5286	Paid leave premiums	Amends the premium rate calculation in the Paid Family and Medical Leave Program (PFML) to be based on a specified formula rather than the FML Insurance Account balance ratio on September 30th of the previous year. Sets a maximum rate of 1.2% & removes the ESD's authority to assess a solvency surcharge if the Account balance ratio falls below a certain threshold.	H Labor & Workpla	Robinson

Long-Term Care Employee Payroll Tax

Bill #	Abbrev. Title	Short Description	Status	Sponsor
HB 1011	Long-term care/repeal	Repealing the long-term services and supports trust program.	H HC/Wellness	Abbarno
SB 5479	Long-term care/referendum	Repealing the long-term services and supports trust program.	S Labor & Comm	Schoesler