

RCW 9.41.090 Dealer deliveries regulated—Hold on delivery—Fees authorized. (1) In addition to the other requirements of this chapter, no dealer may deliver a firearm to the purchaser thereof until:

(a) The purchaser provides proof of completion of a recognized firearm safety training program within the last five years that complies with the requirements in RCW 9.41.1132, or proof that the purchaser is exempt from the training requirement;

(b) The dealer is notified by the Washington state patrol firearms background check program that the purchaser is eligible to possess a firearm under state and federal law; and

(c) The requirements and time periods in RCW 9.41.092 have been satisfied.

(2) In determining whether the purchaser is eligible to possess a firearm, the Washington state patrol firearms background check program shall check with the national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic database, the health care authority electronic database, the administrative office of the courts, LINX-NW, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

(3) (a) At the time of applying for the purchase of a firearm, the purchaser shall sign and deliver to the dealer an application containing:

(i) His or her full name, residential address, date and place of birth, race, and gender;

(ii) The date and hour of the application;

(iii) The applicant's driver's license number or state identification card number;

(iv) A description of the firearm including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of the firearm. If the manufacturer's number is not available at the time of applying for the purchase of a firearm, the application may be processed, but delivery of the firearm to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the Washington state patrol firearms background check program; and

(v) A statement that the purchaser is eligible to purchase and possess a firearm under state and federal law.

(b) The dealer shall provide the applicant with information that contains two warnings substantially stated as follows:

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

(ii) CAUTION: The presence of a firearm in the home has been associated with an increased risk of death to self and others, including an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms and firearms safety.

(c) The dealer shall, by the end of the business day, transmit the information from the application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The original application shall be retained by the dealer for six years.

(d) The dealer shall deliver the firearm to the purchaser once the requirements and period of time specified in this chapter are satisfied. The application shall not be denied unless the purchaser is not eligible to purchase or possess the firearm under state or federal law or has not complied with the requirements of this section.

(e) The Washington state patrol firearms background check program shall retain or destroy applications to purchase a firearm in accordance with the requirements of 18 U.S.C. Sec. 922.

(4) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm is guilty of false swearing under RCW 9A.72.040.

(5) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms. [2023 c 161 s 1; (2019 c 244 s 1 repealed by 2023 c 161 s 10); 2019 c 3 s 3 (Initiative Measure No. 1639, approved November 6, 2018); 2018 c 201 s 6003; 2015 c 1 s 5 (Initiative Measure No. 594, approved November 4, 2014); 1996 c 295 s 8. Prior: 1994 sp.s. c 7 s 410; 1994 c 264 s 1; 1988 c 36 s 2; 1985 c 428 s 4; 1983 c 232 s 4; 1969 ex.s. c 227 s 1; 1961 c 124 s 7; 1935 c 172 s 9; RRS s 2516-9.]

Effective date—2023 c 161: "This act takes effect January 1, 2024." [2023 c 161 s 11.]

Contingent expiration date—2019 c 244: "(1) Section 1, chapter 244, Laws of 2019 expires June 30, 2022, if the contingency in subsection (2) of this section does not occur by December 31, 2021, as determined by the Washington state patrol.

(2) Section 1, chapter 244, Laws of 2019 expires six months after the date on which the Washington state patrol determines that a single point of contact firearm background check system, for purposes of the federal Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), is operational in the state.

(3) If section 1, chapter 244, Laws of 2019 expires pursuant to subsection (2) of this section, the Washington state patrol must provide written notice of the expiration to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the Washington state patrol." [2019 c 244 s 2.]

Effective date—2019 c 244: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019." [2019 c 244 s 3.]

Finding—Short title—Effective dates—Implementation—2019 c 3 (Initiative Measure No. 1639): See notes following RCW 9.41.360.

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Finding—2015 c 1 (Initiative Measure No. 594): See note following RCW 9.41.010.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 ss 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

Severability—1985 c 428: See note following RCW 9.41.290.

Severability—1983 c 232: See note following RCW 9.41.010.