



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PO Box 9020 Olympia, Washington 98507-9020

CONCISE EXPLANATORY STATEMENT
WAC 308-500-010 Semiautomatic assault rifle fee.
Public Hearings: June 4, 2019
Effective: July 1, 2019

Purpose of Rulemaking

This rulemaking is related to a fee that the Department of Licensing may require firearms dealers to collect from each semiautomatic assault rifle purchaser or transferee pursuant to Initiative 1639.

Background:

In November 2018, Washingtonians adopted Initiative 1639 which made several changes to Washington's firearm laws. As it relates to this rulemaking, in order to offset the administrative costs of implementing the new requirements for semiautomatic assault rifles, the department was provided authority to require the collection of a fee for each semiautomatic assault rifle purchase or transfer. The department is setting this fee at \$18 per semiautomatic assault rifle purchase or transfer.

Comment Period

The public comment period for this rulemaking began April 30, 2019 and ended June 4, 2019.

Summary of Comments Received on the Proposed Rules and Department Response

The department has considered the comments received on the proposed rules and responses to these comments by category are listed below with the corresponding, paraphrased comment/question. The majority of the comments received were in opposition to the collection of a fee on semiautomatic assault rifles; there were a few comments “in favor” requesting the Department to keep the fee low.

Changes to proposed language

The department did not make changes to the proposed language.

Summary of all public comments received on this rule proposal and the agency’s response to those comments:

Comments	
Paraphrased Comment	Department response
<i>Related to the fee amount and I1639 implementation</i>	
<ol style="list-style-type: none"> 1. OFM analysis was unsure about the costs of implementation; this fee setting is based on a best guess; recommends setting fee low until data is available 2. This fee amount is arbitrary 3. The \$18 places an undue financial burden on lawful gun owners; Only wealthy will be able to afford these fees and buy firearms. 4. How was the fee amount calculated? 5. It’s not the fee amount at concern but the principle of it 6. Please keep fee to a minimum (suggestions include \$25, \$15, \$10, \$5, \$3, \$2, \$1, \$0.50, and \$0.01) 7. Oppose the tax 8. We already pay a transfer fee. 9. DOL needs to provide price estimates to the public. 10. Please remove separate license fee for a firearms transfer that will not be used for background check. 	<p>Thank you for your comments related to the fee amount. The Department of Licensing did take the impact of the cost into account when determining the fee. While the Initiative/statute allowed for the fee collected to be up to \$25; we are setting the fee at \$18. The fee will be applied to both purchases and transfers. The Department can review the fee amount and application in the future and adjust accordingly.</p> <p>The fee amount was based on the cost factors listed in Initiative 1639 and the funding the Legislature appropriated in the 2019-2021 Operating Budget related to Initiative 1639.</p> <p>The Department does not have authority to exempt certain persons or the number of transactions from the fee collection.</p> <p>Thank you for your questions about the implementation of the I-1639 fee and other requirements. We are working diligently</p>

11. Sales tax is collected and that should be sufficient.
12. Justification for the fee is inadequate and disproportionate with other types of fees.
13. Fee should apply to the transaction and the individual's background check, regardless of the number of firearm transacted in the deal.
14. Remove the fee
15. Request persons aged 65 and over, the poor, be exempt from said fee.
16. Criminals should be charged the fee, they aren't law abiding.
17. High fees will drive sales away and/or drive sales underground
18. The fee should not be applied to transfers
19. The way I read the writing "Up to \$25.00 fee". This tells me that as a gun dealer I can charge what I want up to \$25.
20. How is this fee to be collected by dealers? Will it be quarterly, monthly, at point of sale? Firearms dealers need to know how to do this.
21. We collect fees for Fish and Wildlife and get to keep a portion for our costs; can we do that here?
22. Does this apply to in and out of state transfers?
23. DOL is not sending enough communication
24. Until we know the actual costs of implementation, what happens to the extra funds if the fee is too high? Where will the money go and how will be used?
25. The new SAR form has a disclaimer for HIPPA information; this is overstepping the boundaries of what is required.

to keep firearms dealers apprised of the new processes under the initiative. For the most up-to-date information about I-1639 implementation for the Department of Licensing and other general updates, please sign up for our Listserv.

To get the latest Firearm news by email, join* one of the following:

- [Washington State Firearm Dealers LISTSERV®](#)
- [Washington State Firearm Law Enforcement Agencies LISTSERV®](#)

*There's no cost to subscribe, and you may update or delete your address at any time.

I-1639 did not authorize firearm dealers to keep a portion of the fee collected or to add an additional fee.

Thank you for your questions and concerns around the waiver of confidentiality for the purposes of conducting background checks. We reviewed the requirements around this and compared it to the current Pistol Transfer Application form and they are the same only worded slightly differently. We will be including more information about this in future correspondence to firearms dealers.

<i>Related to distribution of the fees collected</i>	
<ol style="list-style-type: none"> 1. What will the \$18 fee be used for?/There is no explanation of what fee is being spent on 2. How will firearms dealers be reimbursed for their staff work to implement? 3. Funds will be wasted; funds will be spent on biased research to further undermine lawful gun ownership; funds should go to youth education on shooting sports and hunting; a study on gun violence should be paid by everyone 4. Reimburse dealers for record keeping and administration costs. 5. Local law enforcement was not funded to implement 6. The amount is not a lot. Why should we pay a fee when we buy or transfer a weapon? It goes to the DOL, why? 7. The fee should never be in excess of actual hard cost of the actual transfer transaction, excluding a capital and employee labor costs or other allocated expenses that are distributed from the organization or transfer system. 8. Where is the \$18 per rifle tax being applied to make our schools and communities safer? Are Law Enforcement Agencies being provided additional funds to for the staffing and resources to facilitate the additional background checks? 9. Do not understand why the fees for FFL dealer are not sufficient? 10. Describe and be transparent to where the fees are going. 	<p>Thank you for your comments related to the distribution of the fees collected. Although Initiative 1639 provided the Department of Licensing authority to collect the fee and what factors to consider in setting the fee amount, it did not give the agency any authority to appropriate or spend the money. The monies collected from this fee will be deposited in the General Fund for appropriation by the Legislature.</p>

<p>11. Fee collected should not be necessary to balance state budget</p> <p>12. DOR will have a problem because taxes go to them and are then dispersed</p>	
<p><i>Comments related to firearms fees and “unlawful” taxing (Out of Scope)</i></p>	
<ol style="list-style-type: none"> 1. Why is there a fee for semi-automatic assault rifle but not handguns? 2. Fees for rights is corruption and blackmail 3. Adding fees to these rifles is ludicrous; unlawful taxes 4. Oppose any increase on firearms transfers 5. A law implemented for “good of the public” should be paid for by the public not law abiding citizens 6. “Assault rifle” is a fabricated buzzword 7. The people will not pay these fees or taxes 8. Singling out semiautomatic rifle owners is discrimination – many choose this weapon because it has less recoil 9. Fees on firearms creates barrier or infringement on civil right and self-preservation 10. This is a poll tax. Self-reliance and self-defense should not be taxed. 11. Taxation is theft. Taxation without listening to constituents is treason. Focus on mental health programs and training availability. 12. Taxing something ONLY for the way it looks is unfair and wrong on every level. 13. I don’t think it is fair to have semi auto rifles since they were invented to just now have a fee for buying one. 	<p>Thank you for your comments. This rulemaking is regarding the fee amount for semi-automatic assault rifle transfers and purchases, therefore these comments about the firearms fees generally are deemed out of scope and out of the Department of Licensing’s authority.</p>

<ol style="list-style-type: none"> 14. Fees are taxes. Taxes were NOT passed or talked about in 1639. 15. I have served my country through peace time and now war since 1999, over 20 years and to out [sic] it bluntly your infringement and fees are not what I was fighting for. 16. Oppose additional fee "sin-tax" to purchaser. Fee should be placed on all of the citizens of WA State not solely on the consumer. 17. I already pay a sales tax. 18. How about a voluntary fee that would go to programs such as youth education on shooting sports and hunting? 19. Since the majority of the state voted in favor of 1639- everyone in the state should be responsible for the financial burdens they chose to impose on gun owners, gun dealers and state agencies. 20. Whats next, taxes on Freedom of Speech, the bible, air? 21. State should do everything to remove obstacles not drive price up 22. Adding fees may have unintended consequences 23. Similar to Seattle ammunition taxes/fees, will not generate meaningful income and monies will be wasted 24. Keep the fee low so when State has to pay it back to everyone it is low as possible 	
<p><i>Comments related to the Second Amendment and the constitutionality of Initiative 1639 (Out of Scope)</i></p>	
<ol style="list-style-type: none"> 1. I-1639 is unconstitutional; should be thrown out; violation of 2nd amendment rights; unconstitutional roadblock to legal gun ownership (WA State Constitution 	<p>Thank you for your comments. This rulemaking is regarding the fee amount for semi-automatic assault rifle transfers and purchases, therefore these comments about the Second</p>

<p>Article 1, section 24 and Second Amendment in Bill of Rights)</p> <ol style="list-style-type: none"> 2. The initiative was ill-written based on bad, misleading information 3. Please change this unconstitutional law 4. There should be an injunction to stop all parts of I-1639 until the lawsuit is decided 5. This violates the state constitution by impairing the right to bear arms of people of lower economic status 6. Unconstitutional legislation is not law. We will not comply. 7. This is illegal, and already decided by case law. It will be overturned. Source: U.S. Supreme Court <i>Murdock v. Pennsylvania</i>, 319 U.S. 105 (1943) No. 480 Argued March 10, 11, 1943 Decided May 3, 1943* "A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution." P. 319 U.S. 113. 8. This equates to an impairment of the 2nd Amendment. 9. 1639 was a poorly written initiative, this will just add another punitive step for those who wish to purchase a semi-automatic rifle to the other punitive actions outlined in the Initiative. 10. We should not be paying the state for our constitutional rights. 11. To tax or put fees on our 2nd Amendment is against Washington state laws look it up. To do this you are breaking the law you are to uphold. 12. My wrath is nothing compared to what you WILL receive from God for your treasonous acts against the people and our Constitution. 	<p>Amendment and the lawfulness/constitutionality of the Initiative are deemed out of scope and out of the Department of Licensing's authority.</p>
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<p>13. The 2nd amendment is not a privilege it is a right; unlike driving.</p>	
<p><i>General Comments deemed out of scope</i></p>	
<ol style="list-style-type: none"> 1. The department should offer NICS checks a free public service. 2. Family legal right to protect themselves 3. Legal gun owners provide defense against domestic and foreign threats in service of general public at own personal expense 4. Law enforcement can and will not enforce 5. This will not reduce criminal activity 6. Power and money grab against law abiding citizens; should downsize bloated government 7. Hold criminals accountable, not law abiding citizens 8. DOL and bureaucracies not listening to law abiding citizens; we are your employer; unelected bureaucracies will lead to next Civil War 9. The definition of “assault” rifle is wrong 10. Discriminatory to low income 11. They are not “assault rifles,” they are semi-automatic. 12. Collecting the fee is racist. This is the demographic that is most often victimized by armed criminals. 13. Privilege for the elite. Semi-automatic rifles have been around for almost 100 years, popular sporting arms yet used in few crimes. 14. If you want change start teaching firearm safety in schools again! 15. Go after the criminals not the people who respect the laws and follow them. 	<p>Thank you for your comments. This rulemaking is regarding the fee amount for semi-automatic assault rifle transfers and purchases, therefore these comments are deemed out of scope.</p>

16. Do not push the seller.
17. When are we going to start treating cars used in drunk driving incidents as weapons? There is no push to ban all automobiles? Hammers and other blunt objects are used to kill more people than all firearm related deaths every years.
18. Canada tried a long gun registry and it did nothing for them in terms of crime or prevention. They had to abolish it since it wasted so much money.
19. Keep poking the bear.
20. This is forcing many small businesses to shut their doors. This is also causing an unlawful burden (financial and time) on the citizens.
21. It discriminates against our voters aged 18-20. Puts hardship on gun dealers with the additional papers to process the additional gun paperwork. Submitting the fee in cash only, so not pay a credit card fee or a back check. The BATF for #4473 has to finish processing within 30 days with all of the paperwork I am very concerned that the form must be redone if it goes beyond the 30 days.
22. Why should we give more money to people who can't manage a budget. Drugs to addicts. Most of the so call legislation coming out of Olympia seems to be creative ways to separate law abiding citizens from their freedom and money. If you want money down size your bloated government.
23. Once you agree to this then your in the database for quick confiscation. No fee, no program, no government like Venezuela disarming as the tighten the screws to socialism.

24. Gun owners are the new Black.
25. Collect money from bicyclists who don't have to pay anything to use the road or the 100% electric cars.
26. Don't punish the "good guys" for following the rules.
27. These are not your properties and this is not a COMMUNIST state yet there are no fees.
28. There is already an unregulated charge that private ffl can charge with is \$45 adding more is crazy...
29. These proposed laws are illegal, fascist and totalitarian. They only punish law abiding citizens and effect no criminal actions of bad people who use firearms to commit crime. Why does Washington State insist on making criminals of law abiding citizens?
30. Applying a fee to a single classification of firearm has the potential to portray it as "more dangerous" than other firearms.
31. Citizens will start leaving Washington State.
32. Section C, question 3 (certifying training course) should have NA after it for pistol transfers.
33. If imposing a fee, the government needs to cover all costs associated with these requirement.
34. DOL has nothing to do with guns. Cars are separate from gun issues.
35. Put more effort and money into the police, courts, prison systems, and mental health.
36. We should be able to purchase a tool for a hobby (target practice, sport shooting, hunting) and should not be a burden to prevent an individual from participating.
37. Remove 22 plinkers, Ruger 10-22's, and hunting rifles from "assault rifle" description, SAR is too broad.
38. The fee will have nothing to do for crime prevention.

39. This law needs to be postponed until the state has approved classes and fees.
40. Do not raise the already high cost of hunting and self defense.
41. Why don't we require drug and alcohol users to have a use and serving license. We could use this to offset law enforcement cost for Patrols.
42. Add the administrative court fees charge to prosecute violent felons.
43. I oppose the extra paper work for the FFL Dealers.
44. We should not be charged by the state for transferring a firearm from one generation to another.
45. Focus needs to be on Drugs & Alcohol the root cause of most Homicides.
46. No fees on personal items.
47. Is the DOL going to charge a LGBT fee for a license; or for being black?
48. If transferring to a family member, museum, there shouldn't be a fee incurred.
49. This will open a new market for illegal guns coming out of Mexico.
50. Why should I have to have a background check every year?
51. DOL has a history of not delivering service on time or for reasonable price; they also have a history of not securely storing data and insuring the data collected be protected from dark forces. DOL has not fully justified legal its rule making authority to collect more data under the proposed rule. Achievement of these benchmarks must be transparent.

<p>52. This is no different than the \$30 license tab. Maybe this whole thing should be a division of DSHS. Think, Plan, Ask Questions of actual gun owners and FFL's. Plan this rollout as if we are the customers and you are providing a service and not a choke point.</p> <p>53. The people that voted "yes" on I-1693 should pay the fee. It should come out of a shared taxpayer general fund, not passed to those who transfer.</p> <p>54. Everyone should have to pay for this service just like RTA.</p> <p>55. We already pay for park passes, hunter fees (tags/license), please no fee.</p> <p>56. I believe a transfer/sale to a private citizen should incur another cost.</p> <p>57. Why should I trust the state to protect me and my family?</p>	
<p><i>In favor of the fee:</i></p>	
<ol style="list-style-type: none"> 1. The cost to implement I-1639 is going to be considerable and require significant resources. By having the fee or keeping it at \$25 will help mitigate the increased records checks that are going to impact local law enforcement agencies. 2. Current fees are enough, reasonable. 	<p>Thank you for your comments. The Department has authority to set and collect the fee, but not distribute the fee.</p>