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HOUSE BILL NO. 2488

Offered January 20, 1997

A BILL to amend and reenact § 54.1-4200 and to amend the Code of Virginia by adding sections numbered 52-8.4:2, 54.1-4200.1, 54.1-4200.2, and 54.1-4200.3, relating to licensure of firearms dealers.

Patron—Robinson

Referred to Committee on Militia and Police

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-4200 is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 52-8.4:2, 54.1-4200.1, 54.1-4200.2, and 54.1-4200.3 as follows:

§ 52-8.4:2. Regulation of dealers in firearms.

The Superintendent of State Police shall promulgate regulations for the licensing of dealers in firearms in accordance with §§ 54.1-4200.1 and 54.1-4200.2. The regulations shall set forth the form and content of the licensing application and all other information necessary to carry out the provisions of Chapter 42 (§ 54.1-4200 et seq) of Title 54.1.

§ 54.1-4200. Definitions.

For the purpose of this chapter, unless the context requires a different meaning:

"Dealer in firearms" means (i) any person, firm, partnership, or corporation licensed by the Bureau of Alcohol, Tobacco and Firearms and the Department of State Police engaged in the business of selling, trading or transferring firearms, firearms parts, or firearms ammunition, at wholesale or retail; or (ii) any person, firm, partnership, or corporation engaged in the business of making or fitting special barrels, stocks, or trigger mechanisms to firearms or (iii) ~~any person, firm, partnership, or corporation that is a pawnbroker.~~

"Department" means the Department of State Police.

"Engaged in business" means as applied to a dealer in firearms a person, firm, partnership, or corporation that devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through repetitive purchase or resale of firearms, but such term shall not involve a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms, unless such person sells, trades, or transfers, or attempts to sell, trade, or transfer more than five firearms per calendar year.

"Firearms show" means any gathering or exhibition, open to the public, not occurring on the permanent premises of a dealer in firearms, conducted principally for the purposes of exchanging, selling or trading firearms as defined in § 18.2-308.2:2.

§ 54.1-4200.1. Licensing required.

No dealer in firearms shall engage in the business of purchasing, selling, or reselling firearms until such dealer is licensed by the Department of State Police in accordance with this chapter, notwithstanding any license issued by the Bureau of Alcohol, Tobacco and Firearms.

§ 54.1-4200.2. Application for license; fees.

A. The application for license for a dealer in firearms shall be filed as prescribed by regulations adopted by the Department of State Police. A dealer shall immediately report any material change in the application for license.

B. Each application shall be accompanied by a fee of \$500. All fees shall be remitted by the Department to the state treasury and shall be credited to a special fund established under subsection C.

C. There is hereby established within the state treasury a special fund to be administered by the State Police. Such fund shall be expended solely for compliance with this chapter.

§ 54.1-4200.3. Revocation of license.

A license may be revoked after notice and hearing in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) upon a written finding of fact that a dealer in firearms has:

1. Subsequent to the filing of the application for registration, been convicted in any court for a crime involving fraud, deception, false pretenses, misrepresentation, or dishonest dealing in firearm transactions;

2. Failed to perform faithfully any stipulation or agreement made with the Department as an inducement to grant any license;

3. Made intentional misrepresentations or concealed material facts in an application for license;

4. Had his license from the Bureau of Alcohol, Tobacco and Firearms suspended or revoked;

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- 60** 5. *Failed to carry insurance covering him for possible charges of liability for the failure of or acts*
61 *involving firearms he has sold;*
62 6. *Failed to operate a storefront enterprise and to maintain normal business hours.*