

LD1324320

## HOUSE BILL NO. 1690

Offered January 17, 1995

A BILL to amend and reenact § 54.1-4200 of the Code of Virginia 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 registration of dealers in firearms.

Patron—Keating

Referred to Committee on Militia and Police

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-4200 of the Code of Virginia 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. *Regulations for registration of firearms dealers.*

*The Superintendent of State Police shall promulgate regulations for the registration 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 registration application and all other information necessary to carry out the provisions of §§ 54.1-4200.1 and 54.1-4200.2.*

§ 54.1-4200. Definitions.

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

"Agency" means the Department of State Police.

"Dealer in firearms" means (i) any person, firm, partnership, or corporation engaged in the business of selling, trading or transferring firearms at wholesale or retail; (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.

"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 in any 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. *Registration required.*

*No dealer in firearms shall engage in the business of purchasing, selling or reselling any firearms until such dealer is registered with the federal Bureau of Alcohol, Tobacco and Firearms or with the Department of State Police in accordance with this chapter.*

§ 54.1-4200.2. *Application for registration; fees.*

A. *The application for registration of a dealer in firearms shall be filed as prescribed by the agency's regulations.*

B. *The agency may accept a copy of the applicant's valid license issued by the Bureau of Alcohol, Tobacco and Firearms of the U.S. Department of the Treasury to satisfy the registration requirements of this chapter.*

C. *Such dealer shall immediately report any material changes in the information contained in an application for registration.*

D. *Each application shall be accompanied by a fee of \$200. However, this fee shall be waived in its entirety if the applicant sells, trades or transfers no more than five firearms in any calendar year other than (i) antique firearms as defined in subsection G of § 18.2-308.2:2, (ii) firearms sold, traded or transferred as part of a collector series, or (iii) any firearm sold, traded or transferred pursuant to the settlement of the estate of a decedent. All fees shall be remitted by the agency to the Treasurer of the Commonwealth and shall be placed to the credit of a special fund, as hereby established, of the Department of State Police and shall be expended solely for compliance with this chapter.*

§ 54.1-4200.3. *Revocation of registration.*

*A registration 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*

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60 *involving fraud, deception, false pretenses, misrepresentation or dishonest dealing in firearm*  
61 *transactions;*  
62 *2. Failed to perform faithfully any stipulation or agreement made with the agency as an inducement*  
63 *to grant any registration;*  
64 *3. Made intentional misrepresentations or concealed material facts in an application for registration;*  
65 *or*  
66 *4. Had his license from the Bureau of Alcohol, Tobacco and Firearms of the U.S. Department of the*  
67 *Treasury suspended or revoked.*