

3364

2013-2014 Regular Sessions

I N A S S E M B L Y

January 25, 2013

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to regulating firearms and ammunition sellers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new article 38-B to read as follows:

ARTICLE 38-B

FIREARMS AND AMMUNITION DEALERS

SECTION 825. DEFINITIONS.
826. DEALER PERMIT.
827. APPLICATION FOR DEALER PERMIT.
828. INVESTIGATION BY DIVISION.
829. GROUNDS FOR DENIAL OF PERMIT.
830. ISSUANCE OF DEALER PERMIT.
831. REVOCATION.
832. REPORT OF REVOCATION.
833. DISPLAY OF DEALER PERMIT.
834. INSPECTION.
835. SECURITY.
836. INSURANCE.
837. LOCATION OF BUSINESS.
838. PUBLIC WARNING.
839. DUTIES UPON SALE, LEASE OR TRANSFER.
840. SALES RECORDS AND REPORTING.
841. FIREARMS ACQUISITION RECORDS AND REPORTING.
842. INVENTORY REPORTS.
843. LOST OR STOLEN AMMUNITION REPORTING.
844. RESTRICTED ADMITTANCE.
845. CRIMINAL PENALTY.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD01832-01-3

1 S 825. DEFINITIONS. AS USED IN THIS ARTICLE:

2 1. "APPLICANT" MEANS ANY PERSON WHO APPLIES FOR A DEALER PERMIT OR THE
3 RENEWAL THEREOF, TO SELL, LEASE OR TRANSFER FIREARMS OR AMMUNITION.

4 2. "COMMISSIONER" MEANS THE COMMISSIONER OF CRIMINAL JUSTICE SERVICES.

5 3. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES.

6 4. "ENGAGE IN THE BUSINESS OF SELLING, LEASING OR TRANSFERRING
7 FIREARMS OR AMMUNITION" MEANS:

8 (A) CONDUCTING THE BUSINESS OF SELLING, LEASING OR TRANSFERRING
9 FIREARMS OR AMMUNITION;

10 (B) HOLDING ONESELF OUT AS ENGAGED IN THE BUSINESS OF SELLING, LEASING
11 OR TRANSFERRING FIREARMS OR AMMUNITION; OR

12 (C) THE SALE, LEASE OR TRANSFER OF FIREARMS OR AMMUNITION IN QUANTITY,
13 IN SERIES, IN INDIVIDUAL TRANSACTIONS.

14 5. "FIREARM" HAS THE SAME MEANING AS THAT TERM IS DEFINED IN SUBDIVI-
15 SION THREE OF SECTION 265.00 OF THE PENAL LAW.

16 S 826. DEALER PERMIT. NO PERSON SHALL ENGAGE IN THE BUSINESS OF SELL-
17 ING, LEASING OR TRANSFERRING FIREARMS OR AMMUNITION WITHOUT A DEALER
18 PERMIT ISSUED PURSUANT TO THIS ARTICLE.

19 S 827. APPLICATION FOR DEALER PERMIT. 1. A PERSON WHO IS REQUIRED TO
20 OBTAIN A DEALER PERMIT PURSUANT TO THIS ARTICLE SHALL:

21 (A) APPEAR IN PERSON AT A TIME AND PLACE DESIGNATED BY THE COMMISSION-
22 ER;

23 (B) COMPLETE AND SUBMIT TO THE DIVISION AN APPLICATION, IN WRITING,
24 SIGNED UNDER PENALTY OF PERJURY, ON A FORM PRESCRIBED BY THE COMMISSION-
25 ER;

26 (C) PROVIDE ALL INFORMATION REQUIRED BY THE COMMISSIONER, INCLUDING:

27 (I) THE APPLICANT'S FULL NAME AND ANY OTHER NAME BY WHICH THE APPLI-
28 CANT HAS EVER BEEN KNOWN;

29 (II) THE HOME ADDRESS AND TELEPHONE NUMBER OF THE APPLICANT;

30 (III) THE OCCUPATION, BUSINESS ADDRESS AND BUSINESS TELEPHONE NUMBER
31 OF THE APPLICANT;

32 (IV) THE LICENSE AND PERMIT NUMBERS OF ALL FEDERAL, STATE AND LOCAL
33 LICENSES AND PERMITS HELD BY THE APPLICANT THAT AUTHORIZE THE APPLICANT
34 TO SELL, LEASE OR TRANSFER FIREARMS OR AMMUNITION, IF ANY;

35 (V) SUCH INFORMATION AS MAY BE REQUIRED BY THE COMMISSIONER RELATING
36 TO EVERY OTHER LICENSE OR PERMIT TO SELL, LEASE, TRANSFER, PURCHASE OR
37 POSSESS FIREARMS AND AMMUNITION WHICH IS HELD BY OR WAS SOUGHT BY THE
38 APPLICANT FROM THE FEDERAL, OR ANY STATE OR LOCAL GOVERNMENT, INCLUDING,
39 BUT NOT LIMITED TO, THE TYPE OF LICENSE OR PERMIT HELD OR SOUGHT, THE
40 DATE OF EACH APPLICATION AND WHETHER IT RESULTED IN THE ISSUANCE OF THE
41 LICENSE OR PERMIT, AND THE DATE AND CIRCUMSTANCES OF ANY REVOCATION OR
42 SUSPENSION;

43 (VI) THE ADDRESS OF THE LOCATION FOR WHICH THE PERMIT IS SOUGHT, IF
44 DIFFERENT THAN THE APPLICANT'S BUSINESS ADDRESS;

45 (VII) THE BUSINESS NAME, AND THE NAME OF ANY PERSON, CORPORATION,
46 PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER ENTITY THAT HAS ANY
47 OWNERSHIP IN OR CONTROL OVER THE BUSINESS;

48 (VIII) THE NAMES, DATES OF BIRTH AND ADDRESSES OF ALL PERSONS WHO WILL
49 HAVE ACCESS TO OR CONTROL OF WORKPLACE FIREARMS OR AMMUNITION, INCLUDING
50 BUT NOT LIMITED TO, THE APPLICANT'S EMPLOYEES, AGENTS AND SUPERVISORS,
51 IF ANY;

52 (IX) PROOF OF A POSSESSORY INTEREST IN THE PROPERTY AT WHICH THE BUSI-
53 NESS IS OR WILL BE CONDUCTED, AS OWNER, LESSEE OR OTHER LEGAL OCCUPANT,
54 AND, IF THE APPLICANT IS NOT THE OWNER OF RECORD OF THE REAL PROPERTY
55 UPON WHICH THE APPLICANT'S BUSINESS IS OR IS TO BE LOCATED AND

1 CONDUCTED, THE WRITTEN CONSENT OF THE OWNER OF RECORD OF SUCH REAL PROP-
2 ERTY TO THE APPLICANT'S BUSINESS;

3 (X) A FLOOR PLAN OF THE BUSINESS WHICH ILLUSTRATES THE APPLICANT'S
4 COMPLIANCE WITH SECURITY REQUIREMENTS OF THIS ARTICLE;

5 (XI) PROOF OF COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL
6 LICENSING, ZONING, LAND USE AND OTHER BUSINESS LAWS;

7 (XII) CERTIFICATION OF SATISFACTION OF THE INSURANCE REQUIREMENTS OF
8 THIS ARTICLE; AND

9 (XIII) THE DATES, LOCATIONS AND NATURE OF ALL CRIMINAL CONVICTIONS OF
10 THE APPLICANT, IF ANY, IN ANY JURISDICTION IN THE UNITED STATES.

11 2. THE DIVISION MAY IMPOSE A FEE FOR THE SUBMISSION OF AN APPLICATION
12 PURSUANT TO THIS SECTION.

13 S 828. INVESTIGATION BY DIVISION. 1. THE DIVISION SHALL CONDUCT AN
14 INVESTIGATION OF THE APPLICANT TO DETERMINE WHETHER A DEALER PERMIT MAY
15 BE ISSUED OR RENEWED. THE DIVISION SHALL REQUIRE: (A) THE APPLICANT; AND
16 (B) ALL PERSONS WHO WILL HAVE ACCESS TO OR CONTROL OF WORKPLACE FIREARMS
17 OR AMMUNITION, INCLUDING BUT NOT LIMITED TO THE APPLICANT'S EMPLOYEES,
18 AGENTS AND/OR SUPERVISORS, IF ANY, TO PROVIDE FINGERPRINTS, A RECENT
19 PHOTOGRAPH, A SIGNED AUTHORIZATION FOR THE RELEASE OF PERTINENT RECORDS,
20 AND ANY ADDITIONAL INFORMATION WHICH THE COMMISSIONER DEEMS NECESSARY TO
21 COMPLETE THE INVESTIGATION.

22 2. PRIOR TO ISSUANCE OR RENEWAL OF A DEALER PERMIT, THE DIVISION SHALL
23 INSPECT THE PREMISES OF THE APPLICANT BUSINESS TO ENSURE COMPLIANCE WITH
24 THIS ARTICLE.

25 3. THE DIVISION MAY GRANT OR RENEW A DEALER PERMIT IF THE APPLICANT IS
26 IN COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE AND ALL OTHER APPLICA-
27 BLE FEDERAL, STATE AND LOCAL LAWS.

28 S 829. GROUNDS FOR DENIAL OF PERMIT. 1. THE DIVISION SHALL DENY AN
29 APPLICATION FOR THE ISSUANCE OR RENEWAL OF A DEALER PERMIT IF THE OPERA-
30 TION OF THE BUSINESS WOULD NOT OR DOES NOT COMPLY WITH FEDERAL, STATE
31 AND LOCAL LAWS, OR IF THE APPLICANT:

32 (A) IS UNDER TWENTY-ONE YEARS OF AGE;

33 (B) IS NOT LICENSED AS REQUIRED BY ALL APPLICABLE FEDERAL, STATE AND
34 LOCAL LAWS;

35 (C) HAS MADE A FALSE OR MISLEADING STATEMENT OF A MATERIAL FACT OR
36 OMISSION OF A MATERIAL FACT IN THE APPLICATION FOR SUCH PERMIT, OR IN
37 ANY OTHER DOCUMENTS SUBMITTED TO THE DIVISION. IF A PERMIT IS DENIED ON
38 THIS GROUND, THE APPLICANT IS PROHIBITED FROM REAPPLYING FOR A PERMIT
39 FOR A PERIOD OF FIVE YEARS;

40 (D) HAS HAD A LICENSE OR PERMIT TO SELL, LEASE, TRANSFER, PURCHASE OR
41 POSSESS FIREARMS OR AMMUNITION FROM THE FEDERAL OR ANY STATE OR LOCAL
42 GOVERNMENT REVOKED, SUSPENDED OR DENIED FOR GOOD CAUSE WITHIN THE
43 PRECEDING FIVE YEARS;

44 (E) IS PROHIBITED BY ANY FEDERAL, STATE OR LOCAL LAW FROM PURCHASING
45 OR POSSESSING FIREARMS OR AMMUNITION, OR HAS BEEN CONVICTED OF:

46 (I) A CRIME RELATING TO THE MANUFACTURE, SALE, POSSESSION OR USE OF A
47 FIREARM, RIFLE, SHOTGUN, DANGEROUS DEADLY WEAPON OR AMMUNITION;

48 (II) A CRIME INVOLVING THE USE OF FORCE OR VIOLENCE UPON THE PERSON OF
49 ANOTHER;

50 (III) A CRIME INVOLVING THEFT, FRAUD, DISHONESTY OR DECEIT; OR

51 (IV) A CRIME INVOLVING THE SALE OR POSSESSION OF A CONTROLLED
52 SUBSTANCE; OR

53 (F) IS CURRENTLY OR HAS BEEN WITHIN THE PRECEDING FIVE YEARS, AN
54 UNLAWFUL USER OF OR ADDICTED TO A CONTROLLED SUBSTANCE.

55 2. THE EMPLOYEES, AGENTS AND SUPERVISORS OF AN APPLICANT SHALL NOT
56 HAVE ACCESS TO OR CONTROL OVER WORKPLACE FIREARMS OR AMMUNITION UNTIL

1 THE DIVISION HAS CONDUCTED AN INVESTIGATION PURSUANT TO SECTION EIGHT
2 HUNDRED TWENTY-EIGHT OF THIS ARTICLE, AND VERIFIED THAT NONE OF THE
3 CONDITIONS LISTED IN SUBDIVISION ONE OF THIS SECTION EXIST, AS APPLIED
4 TO THOSE EMPLOYEES, AGENTS OR SUPERVISORS. A NEW LAW ENFORCEMENT INVE-
5 STIGATION AND BACKGROUND VERIFICATION OF SUCH PERSONS MUST BE CONDUCTED
6 EACH TIME THE APPLICANT RENEWS HIS OR HER PERMIT, OR APPLIES FOR A NEW
7 PERMIT.

8 S 830. ISSUANCE OF DEALER PERMIT. A DEALER PERMIT SHALL BE VALID FOR A
9 PERIOD OF THREE YEARS FROM THE DATE OF ITS ISSUANCE. A PERMIT MAY BE
10 RENEWED PRIOR TO ITS EXPIRATION IF THE PERMITTEE SUBMITS A TIMELY APPLI-
11 CATION FOR RENEWAL, ACCOMPANIED BY A NONREFUNDABLE RENEWAL FEE ESTAB-
12 LISHED BY THE COMMISSIONER. RENEWAL OF A PERMIT SHALL BE CONTINGENT UPON
13 THE PERMITTEE'S COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL
14 APPLICATION AND PERMIT AND ANY ADDITIONAL CONDITIONS ARISING PURSUANT TO
15 LAW. ANY POLICE OFFICER MAY INSPECT THE BUSINESS PREMISES FOR COMPLIANCE
16 WITH THE PROVISIONS OF THIS ARTICLE PRIOR TO RENEWAL OF THE PERMIT. THE
17 RENEWAL APPLICATION AND THE RENEWAL FEE MUST BE RECEIVED BY THE DIVISION
18 NO LATER THAN FORTY-FIVE DAYS BEFORE THE EXPIRATION OF THE CURRENT
19 PERMIT.

20 S 831. REVOCATION. THE DIVISION MAY REVOKE THE DEALER PERMIT OF ANY
21 PERMITTEE FOUND TO BE IN VIOLATION OF ANY PROVISION OF THIS ARTICLE, OR
22 ANY APPLICABLE FEDERAL, STATE OR LOCAL LAW.

23 S 832. REPORT OF REVOCATION. IN ADDITION TO ANY OTHER PENALTY OR REME-
24 DY, THE DIVISION SHALL REPORT THE REVOCATION OF ANY DEALER PERMIT TO THE
25 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.

26 S 833. DISPLAY OF DEALER PERMIT. THE DEALER PERMIT OF A PERMITTED
27 BUSINESS SHALL BE CONSPICUOUSLY DISPLAYED UPON THE PREMISES OF SUCH
28 BUSINESS IN A LOCATION VISIBLE TO THE PUBLIC.

29 S 834. INSPECTION. PERMITTED PLACES OF BUSINESS SHALL BE OPEN FOR
30 INSPECTION BY ANY POLICE OFFICER DURING ALL HOURS OF OPERATION. THE
31 DIVISION SHALL CONDUCT AN INSPECTION OF THE BUSINESS IN CONNECTION WITH
32 THE INITIAL ISSUANCE OF A PERMIT, AND THEREAFTER CONDUCT AN INSPECTION
33 IN CONNECTION WITH EACH RENEWAL OF THE PERMIT. PERMITTEES SHALL MAINTAIN
34 ALL RECORDS, DOCUMENTS, FIREARMS AND AMMUNITION IN A MANNER AND PLACE
35 ACCESSIBLE FOR INSPECTION BY LAW ENFORCEMENT OFFICERS.

36 S 835. SECURITY. 1. ALL FIREARMS AND AMMUNITION IN THE INVENTORY OF A
37 PERMITTEE SHALL BE KEPT AT THE PERMITTED BUSINESS LOCATION.

38 2. IF THE BUSINESS LOCATION IS TO BE USED AT LEAST IN PART FOR THE
39 SALE OF FIREARMS, ALL PERIMETER DOORWAYS, WINDOWS, AND HEATING, VENTI-
40 LATING, AIR-CONDITIONING AND SERVICE OPENINGS SHALL BE SECURED IN A
41 MANNER PRESCRIBED BY THE COMMISSIONER.

42 3. ANY TIME A PERMITTED BUSINESS LOCATION IS NOT OPEN TO THE PUBLIC,
43 EVERY FIREARM SHALL BE STORED IN ONE OF THE FOLLOWING WAYS:

44 (A) IN A LOCKED FIREPROOF SAFE OR VAULT IN THE PERMITTEE'S BUSINESS
45 PREMISES THAT MEETS UNDERWRITERS LABORATORIES RESIDENTIAL SECURITY
46 CONTAINER RATING STANDARDS BY A NATIONALLY RECOGNIZED TESTING LABORA-
47 TORY; OR

48 (B) SECURED WITH A HARDENED STEEL ROD OR CABLE OF AT LEAST ONE-FOURTH
49 INCH IN DIAMETER THROUGH THE TRIGGER GUARD OF THE FIREARM. NO MORE THAN
50 FIVE FIREARMS MAY BE AFFIXED TO ANY ONE ROD OR CABLE AT ANY TIME.

51 4. ANY TIME A PERMITTED BUSINESS LOCATION IS OPEN TO THE PUBLIC, ALL
52 FIREARMS SHALL BE KEPT UNLOADED AND ALL FIREARMS AND AMMUNITION SHALL BE
53 KEPT IN AN AREA OF THE PERMITTED BUSINESS INACCESSIBLE TO THE PUBLIC,
54 EXCEPT WHEN IN THE IMMEDIATE PRESENCE OF AND UNDER THE DIRECT SUPER-
55 VISION OF THE PERMITTEE OR HIS OR HER EMPLOYEES.

1 5. THE PERMITTED BUSINESS LOCATIONS SHALL BE SECURED BY AN ALARM
2 SYSTEM THAT IS INSTALLED AND MAINTAINED BY AN ALARM COMPANY OPERATOR
3 PROPERLY LICENSED PURSUANT TO LAW. THE ALARM SYSTEM MUST BE MONITORED BY
4 A CENTRAL STATION LISTED BY UNDERWRITERS LABORATORIES, INC., AND COVERED
5 BY AN ACTIVE UNDERWRITERS LABORATORIES, INC. ALARM SYSTEM CERTIFICATE
6 WITH A #3 EXTENT OF PROTECTION.

7 6. EACH PERMITTED BUSINESS LOCATION SHALL BE EQUIPPED WITH A VIDEO
8 SURVEILLANCE SYSTEM SUFFICIENT TO MONITOR THE CRITICAL AREAS OF THE
9 BUSINESS PREMISES INCLUDING, BUT NOT LIMITED TO, ALL PLACES WHERE
10 FIREARMS OR AMMUNITION ARE STORED, HANDLED, SOLD, TRANSFERRED OR
11 CARRIED. THE VIDEO SURVEILLANCE SYSTEM SHALL OPERATE CONTINUOUSLY, WITH-
12 OUT INTERRUPTION, WHENEVER THE PERMITTED BUSINESS LOCATION IS OPEN TO
13 THE PUBLIC. WHENEVER THE PERMITTED BUSINESS LOCATION IS NOT OPEN TO THE
14 PUBLIC, THE SYSTEM SHALL BE TRIGGERED BY A MOTION DETECTOR AND BEGIN
15 RECORDING IMMEDIATELY UPON DETECTION OF ANY MOTION WITHIN THE MONITORED
16 AREA. IN ADDITION, THE SALE OR TRANSFER OF A FIREARM OR AMMUNITION SHALL
17 BE RECORDED BY THE VIDEO SURVEILLANCE SYSTEM IN SUCH A WAY THAT THE
18 FACIAL FEATURES OF THE PURCHASER OR TRANSFEREE ARE CLEARLY VISIBLE. THE
19 STORED IMAGES SHALL BE MAINTAINED AT THE PERMITTED BUSINESS LOCATION FOR
20 A PERIOD NOT LESS THAN ONE YEAR FROM THE DATE OF RECORDATION, AND SHALL
21 BE MADE AVAILABLE FOR INSPECTION BY A POLICE OFFICER UPON REQUEST. THE
22 PERMITTEE SHALL POST A SIGN IN A CONSPICUOUS PLACE AT EACH ENTRANCE TO
23 THE PREMISES THAT STATES IN BLOCK LETTERS NOT LESS THAN ONE INCH IN
24 HEIGHT: "THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE
25 RECORDED."

26 S 836. INSURANCE. 1. IF A BUSINESS LOCATION IS TO BE USED FOR THE SALE
27 OF FIREARMS, NO DEALER PERMIT SHALL BE ISSUED OR RENEWED UNLESS THERE IS
28 IN EFFECT A POLICY OF INSURANCE IN A FORM APPROVED BY THE DEPARTMENT OF
29 FINANCIAL SERVICES AND EXECUTED BY AN INSURANCE COMPANY APPROVED BY SUCH
30 DEPARTMENT, INSURING THE APPLICANT AGAINST LIABILITY FOR DAMAGE TO PROP-
31 erty AND FOR INJURY TO, OR DEATH OF, ANY PERSON AS A RESULT OF THE
32 THEFT, SALE, LEASE OR TRANSFER OR OFFERING FOR SALE, LEASE OR TRANSFER
33 OF A FIREARM OR AMMUNITION, OR ANY OTHER OPERATIONS OF THE BUSINESS.
34 THE LIMITS OF LIABILITY SHALL NOT BE LESS THAN ONE MILLION DOLLARS FOR
35 EACH INCIDENT OF DAMAGE TO PROPERTY OR INCIDENT OF INJURY OR DEATH TO A
36 PERSON; PROVIDED, HOWEVER, THAT INCREASED LIMITS OF LIABILITY MAY BE
37 REQUIRED BY THE DIVISION IF DEEMED NECESSARY.

38 2. THE POLICY OF INSURANCE SHALL CONTAIN AN ENDORSEMENT PROVIDING THAT
39 THE POLICY SHALL NOT BE CANCELLED UNTIL WRITTEN NOTICE HAS BEEN GIVEN TO
40 THE DIVISION AT LEAST THIRTY DAYS PRIOR TO THE TIME THE CANCELLATION
41 BECOMES EFFECTIVE.

42 3. UPON EXPIRATION OF THE POLICY OF INSURANCE, AND IF NO ADDITIONAL
43 INSURANCE IS OBTAINED, THE DEALER PERMIT SHALL BE CONSIDERED REVOKED
44 WITHOUT FURTHER NOTICE.

45 S 837. LOCATION OF BUSINESS. 1. THE PERMITTED BUSINESS SHALL BE
46 CARRIED ON ONLY IN THE BUILDING LOCATED AT THE STREET ADDRESS SHOWN ON
47 THE PERMIT. THIS REQUIREMENT SHALL NOT PROHIBIT THE PERMITTEE FROM
48 PARTICIPATING IN A GUN SHOW OR EVENT AS DEFINED UNDER FEDERAL LAW THAT
49 IS AUTHORIZED BY FEDERAL, STATE OR LOCAL LAW UPON COMPLIANCE WITH THOSE
50 LAWS.

51 2. THE PERMITTED BUSINESS PREMISES SHALL NOT BE LOCATED IN ANY
52 DISTRICT OR AREA THAT IS ZONED FOR RESIDENTIAL USE, OR WITHIN FIFTEEN
53 HUNDRED FEET OF ANY SCHOOL, PRE-SCHOOL, DAY-CARE FACILITY, PARK, COMMU-
54 NITY CENTER, PLACE OF WORSHIP, LIQUOR STORE, BAR, YOUTH CENTER, VIDEO
55 ARCADE, AMUSEMENT PARK (NOT INCLUDING A TEMPORARY CARNIVAL OR SIMILAR
56 EVENT), OR RESIDENTIALLY ZONED DISTRICT OR AREA.

1 S 838. PUBLIC WARNING. EACH PERMITTEE SHALL POST CONSPICUOUSLY WITHIN
2 THE PERMITTED PREMISES THE FOLLOWING WARNING IN BLOCK LETTERS NOT LESS
3 THAN ONE INCH IN HEIGHT: "CHILDREN ARE ATTRACTED TO AND CAN OPERATE
4 FIREARMS THAT MAY CAUSE SEVERE INJURIES OR DEATH. PREVENT CHILD ACCESS
5 BY ALWAYS KEEPING GUNS LOCKED AWAY AND UNLOADED WHEN NOT IN USE, WITH
6 AMMUNITION STORED SEPARATELY."

7 S 839. DUTIES UPON SALE, LEASE OR TRANSFER. 1. NO PERMITTEE OR AGENT,
8 EMPLOYEE OR OTHER PERSON ACTING UNDER THE PERMITTEE'S AUTHORITY SHALL
9 SELL, TRANSFER, LEASE OR LOAN ANY FIREARM OR AMMUNITION FROM THE
10 PERMITTEE'S INVENTORY UNTIL HE OR SHE HAS VIEWED THE TRANSFEREE'S DRIV-
11 ER'S LICENSE OR OTHER GOVERNMENT-ISSUED IDENTIFICATION CARD THAT
12 CONTAINS THE TRANSFEREE'S SIGNATURE, PHOTOGRAPH AND AGE.

13 2. NO PERMITTEE OR AGENT, EMPLOYEE OR OTHER PERSON ACTING UNDER THE
14 PERMITTEE'S AUTHORITY SHALL SELL, TRANSFER, LEASE OR LOAN ANY FIREARM OR
15 AMMUNITION TO ANY PERSON THE PERMITTEE OR AGENT, EMPLOYEE OR OTHER
16 PERSON ACTING UNDER THE PERMITTEE'S AUTHORITY KNOWS OR HAS REASONABLE
17 CAUSE TO BELIEVE IS PROHIBITED BY FEDERAL, STATE OR LOCAL LAW FROM
18 PURCHASING OR POSSESSING THE FIREARM OR AMMUNITION.

19 S 840. SALES RECORDS AND REPORTING. 1. NO PERMITTEE OR AGENT, EMPLOYEE
20 OR OTHER PERSON ACTING UNDER THE PERMITTEE'S AUTHORITY SHALL SELL,
21 TRANSFER, LEASE OR LOAN ANY FIREARM OR AMMUNITION FROM THE PERMITTEE'S
22 INVENTORY WITHOUT RECORDING THE FOLLOWING INFORMATION IN WRITTEN OR
23 ELECTRONIC FORM TO BE PROVIDED BY THE DIVISION:

24 (A) THE DATE OF THE TRANSACTION;
25 (B) THE NAME, ADDRESS, TELEPHONE NUMBER AND DATE OF BIRTH OF THE
26 TRANSFEREE;

27 (C) THE NUMBER OF THE TRANSFEREE'S CURRENT DRIVER'S LICENSE OR OTHER
28 GOVERNMENT-ISSUED IDENTIFICATION CARD CONTAINING A PHOTOGRAPH OF THE
29 TRANSFEREE AND THE NAME OF THE GOVERNMENTAL AUTHORITY THAT ISSUED IT;

30 (D) THE MAKE, MODEL, CALIBER AND SERIAL NUMBER OF ANY FIREARM TRANS-
31 FERRED, AND THE BRAND, TYPE, CALIBER OR GAUGE, AND QUANTITY OF ANY AMMU-
32 NITION TRANSFERRED;

33 (E) THE TRANSFEREE'S SIGNATURE; AND

34 (F) THE NAME OF THE PERMITTEE'S AGENT OR EMPLOYEE WHO PROCESSED THE
35 TRANSACTION.

36 2. THE PERMITTEE AND ANY AGENT, EMPLOYEE OR OTHER PERSON ACTING UNDER
37 THE PERMITTEE'S AUTHORITY SHALL ALSO, AT THE TIME OF PURCHASE OR TRANS-
38 FER, OBTAIN THE RIGHT THUMBPRINT OF THE TRANSFEREE ON THE FORM DESCRIBED
39 IN SUBDIVISION ONE OF THIS SECTION.

40 3. WITHIN TWENTY-FOUR HOURS OF A TRANSFER, THE PERMITTEE OR ANY
41 AGENTS, EMPLOYEES OR OTHER PERSONS ACTING UNDER THE PERMITTEE'S AUTHORI-
42 TY SHALL ELECTRONICALLY TRANSMIT TO THE DIVISION ALL SUCH INFORMATION.
43 THE ELECTRONIC TRANSMITTAL SHALL BE BY A METHOD, AND IN A FORMAT,
44 APPROVED BY THE DIVISION. THE DIVISION SHALL MAINTAIN SUCH RECORDS FOR
45 AT LEAST TEN YEARS.

46 4. THE RECORDS CREATED IN ACCORDANCE WITH THIS SECTION MUST BE PERMA-
47 NENTLY MAINTAINED ON THE BUSINESS PREMISES OF THE PERMITTEE AND SHALL BE
48 MADE AVAILABLE FOR INSPECTION BY ANY POLICE OFFICER UPON REQUEST.

49 S 841. FIREARMS ACQUISITION RECORDS AND REPORTING. 1. THE PERMITTEE OR
50 AN AGENT, EMPLOYEE OR OTHER PERSON ACTING UNDER THE PERMITTEE'S AUTHORI-
51 TY SHALL RECORD THE FOLLOWING INFORMATION REGARDING EVERY FIREARM
52 RECEIVED OR ACQUIRED FOR THE PERMITTEE'S INVENTORY ON A FORM TO BE
53 ESTABLISHED BY THE DIVISION:

54 (A) THE NAME OF THE PERMITTEE;

55 (B) THE PARTICULAR MAKE, MODEL, CALIBER AND SERIAL NUMBER OF EACH
56 FIREARM RECEIVED OR ACQUIRED;

1 (C) THE DATE EACH FIREARM WAS RECEIVED OR ACQUIRED; AND
2 (D) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PERSON FROM WHOM
3 EACH FIREARM WAS RECEIVED OR ACQUIRED.

4 2. WITHIN TWENTY-FOUR HOURS OF THE RECEIPT OR ACQUISITION OF ANY
5 FIREARM, THE PERMITTEE AND ANY AGENTS, EMPLOYEES OR OTHER PERSONS ACTING
6 UNDER THE PERMITTEE'S AUTHORITY SHALL ELECTRONICALLY TRANSMIT TO THE
7 DIVISION ALL OF THE INFORMATION REQUIRED BY THIS SECTION. THE ELECTRONIC
8 TRANSMITTAL SHALL BE BY A METHOD, AND IN A FORMAT, ESTABLISHED BY THE
9 DIVISION. THE DIVISION SHALL MAINTAIN THESE RECORDS FOR AT LEAST TEN
10 YEARS.

11 3. THE RECORDS CREATED IN ACCORDANCE WITH THIS SECTION MUST BE PERMA-
12 NENTLY MAINTAINED ON THE BUSINESS PREMISES OF THE PERMITTEE AND SHALL BE
13 MADE AVAILABLE FOR INSPECTION BY ANY POLICE OFFICER UPON REQUEST.

14 S 842. INVENTORY REPORTS. WITHIN THE FIRST FIVE BUSINESS DAYS OF APRIL
15 AND OCTOBER OF EACH CALENDAR YEAR, EACH PERMITTEE SHALL CAUSE A PHYSICAL
16 INVENTORY TO BE TAKEN THAT INCLUDES A LISTING OF EACH FIREARM HELD BY
17 THE PERMITTEE BY MAKE, MODEL, CALIBER AND SERIAL NUMBER, TOGETHER WITH A
18 LISTING OF EACH FIREARM THE PERMITTEE HAS SOLD SINCE THE LAST INVENTORY
19 PERIOD. IN ADDITION, THE INVENTORY SHALL INCLUDE A LISTING OF EACH
20 FIREARM LOST OR STOLEN SINCE THE LAST INVENTORY PERIOD. IMMEDIATELY UPON
21 COMPLETION OF THE INVENTORY, THE PERMITTEE SHALL FORWARD A COPY OF THE
22 INVENTORY TO THE ADDRESS SPECIFIED BY THE DIVISION, BY SUCH MEANS AS
23 SPECIFIED BY THE DIVISION. THE DIVISION SHALL MAINTAIN A COPY OF THE
24 INVENTORY FOR AT LEAST TEN YEARS. WITH EACH COPY OF THE INVENTORY, THE
25 PERMITTEE SHALL INCLUDE AN AFFIDAVIT SIGNED BY AN AUTHORIZED AGENT OR
26 EMPLOYEE ON BEHALF OF THE PERMITTEE UNDER PENALTY OF PERJURY STATING
27 THAT WITHIN THE FIRST FIVE BUSINESS DAYS OF THAT APRIL OR OCTOBER, AS
28 THE CASE MAY BE, THE SIGNER PERSONALLY CONFIRMED THE PRESENCE OF THE
29 FIREARMS REPORTED ON THE INVENTORY. THE PERMITTEE SHALL MAINTAIN A COPY
30 OF THE INVENTORY ON THE PREMISES FOR WHICH THE DEALER PERMIT WAS ISSUED
31 FOR A PERIOD OF NOT LESS THAN FIVE YEARS FROM THE DATE OF THE INVENTORY
32 AND SHALL MAKE THE COPY AVAILABLE FOR INSPECTION BY ANY POLICE OFFICER
33 UPON REQUEST.

34 S 843. LOST OR STOLEN AMMUNITION REPORTING. A PERMITTEE SHALL REPORT
35 TO THE DIVISION THE LOSS OR THEFT OF ANY QUANTITY OF AMMUNITION FROM THE
36 PERMITTED PREMISES WITHIN FORTY-EIGHT HOURS AFTER HE OR SHE KNOWS OR
37 REASONABLY SHOULD HAVE KNOWN OF SUCH LOSS OR THEFT.

38 S 844. RESTRICTED ADMITTANCE. 1. WHERE FIREARM SALES ACTIVITY IS THE
39 PRIMARY BUSINESS PERFORMED AT THE PERMITTED BUSINESS LOCATION, NO
40 PERMITTEE OR ANY OF HIS OR HER AGENTS, EMPLOYEES OR OTHER PERSONS ACTING
41 UNDER THE PERMITTEE'S AUTHORITY SHALL ALLOW ANY PERSON UNDER THE AGE OF
42 TWENTY-ONE YEARS TO ENTER INTO OR REMAIN ON THE PREMISES, UNLESS ACCOM-
43 PANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN, PROVIDED THAT THIS
44 PROVISION SHALL NOT PREVENT A SUPERVISORY AGENT OR EMPLOYEE WHO HAS THE
45 RIGHT TO CONTROL ACTIVITIES AT THE BUSINESS PREMISES FROM KEEPING A
46 SINGLE HANDGUN ON THE BUSINESS PREMISES FOR PURPOSE OF LAWFUL SELF-DE-
47 FENSE.

48 2. WHERE FIREARM SALES ACTIVITY IS THE PRIMARY BUSINESS PERFORMED AT
49 THE PERMITTED BUSINESS LOCATION, THE PERMITTEE AND ANY OF HIS OR HER
50 AGENTS, EMPLOYEES OR OTHER PERSONS ACTING UNDER THE PERMITTEE'S AUTHORI-
51 TY SHALL BE RESPONSIBLE FOR REQUIRING CLEAR EVIDENCE OF AGE AND IDENTITY
52 OF PERSONS TO PREVENT THE ENTRY OF PERSONS NOT PERMITTED TO ENTER THE
53 PREMISES PURSUANT TO SUBDIVISION ONE OF THIS SECTION BY REASON OF AGE.
54 CLEAR EVIDENCE OF AGE AND IDENTITY SHALL BE A CURRENT DRIVER'S LICENSE
55 OR OTHER GOVERNMENT-ISSUED IDENTIFICATION CARD CONTAINING THE BEARER'S
56 SIGNATURE, PHOTOGRAPH AND DATE OF BIRTH.

1 3. EACH PERMITTEE SHALL POST THE FOLLOWING NOTICE CONSPICUOUSLY AT
2 EACH ENTRANCE TO THE PERMITTED BUSINESS LOCATION IN BLOCK LETTERS NOT
3 LESS THAN ONE INCH IN HEIGHT, "FIREARMS ARE KEPT, DISPLAYED OR OFFERED
4 FOR SALE ON THE PREMISES, AND PERSONS UNDER THE AGE OF 21 ARE EXCLUDED
5 UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN."

6 4. WHERE FIREARM SALES ACTIVITY IS THE PRIMARY BUSINESS PERFORMED AT
7 THE PERMITTED BUSINESS LOCATION, NO PERMITTEE OR ANY OF HIS OR HER
8 AGENTS, EMPLOYEES OR OTHER PERSONS ACTING UNDER THE PERMITTEE'S AUTHORI-
9 TY SHALL ALLOW ANY PERSON TO ENTER INTO OR REMAIN ON THE PREMISES WHO
10 THE PERMITTEE OR ANY OF HIS OR HER AGENTS, EMPLOYEES OR OTHER PERSONS
11 ACTING UNDER THE PERMITTEE'S AUTHORITY KNOWS OR HAS REASON TO KNOW IS
12 PROHIBITED FROM POSSESSION OR PURCHASING FIREARMS, RIFLES, SHOTGUNS OR
13 AMMUNITION PURSUANT TO FEDERAL, STATE OR LOCAL LAW.

14 S 845. CRIMINAL PENALTY. ANY VIOLATION OF THIS ARTICLE SHALL BE A
15 CLASS A MISDEMEANOR.

16 S 2. This act shall take effect on the first of January next succeed-
17 ing the date on which it shall have become a law; provided, however,
18 that the provisions of this act shall not apply to any person engaged in
19 the business of selling, leasing or transferring firearms or ammunition
20 on the effective date of this act, until the ninetieth day after such
21 date.