



Rep. Kathleen Willis

Filed: 2/28/2018

10000HB1665ham001

LRB100 03199 SLF 36874 a

1 AMENDMENT TO HOUSE BILL 1665

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1665 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. If and only if Senate Bill 1657 of the 100th  
5 General Assembly becomes law in the form in which it passed the  
6 Senate on April 27, 2017, then the Gun Dealer Licensing Act is  
7 amended by changing Sections 35, 70, and 150 as follows:

8 (100 SB1657eng, Sec. 35)

9 Sec. 35. Issuance of license; renewal; fees.

10 (a) The Department shall, upon the applicant's  
11 satisfactory completion of the requirements under this Act and  
12 receipt of the fee, issue the license indicating the name and  
13 business location of the licensee and the date of expiration.  
14 On or before December 31, 2019, the Department shall issue  
15 dealer and dealership licenses to all qualified applicants  
16 whose business existed in that location on the effective date

1 of this Act, and who submitted the application to the  
2 Department on or after January 1, 2019 but before October 1,  
3 2019. If an applicant submits an application for a license  
4 before October 1, 2019 and the Department does not issue or  
5 deny the license on or before December 31, 2019, or the  
6 Department does not issue or deny a license within 90 days to  
7 an applicant who submits an application for a license or  
8 renewal of a license on October 1, 2019 or thereafter, the  
9 applicant or licensee shall not be in violation of this Act on  
10 the basis of continuing to operate the business.

11 (b) The expiration date, ~~renewal period,~~ and conditions for  
12 renewal and restoration of each license shall be set by rule.  
13 The renewal period of each license shall be 5 years. The holder  
14 may renew the license during the 90 days preceding its  
15 expiration by paying the required fee and by meeting conditions  
16 that the Department may specify. As a condition of renewal of a  
17 dealer's license, the Department shall receive from the  
18 applicant a copy of his or her valid and unexpired concealed  
19 carry license, or shall verify the validity of the applicant's  
20 Firearm Owner's Identification Card through the Department of  
21 State Police in a manner prescribed by rule by the Department  
22 of State Police. A dealership or dealer operating on an expired  
23 license is considered to be practicing without a license.

24 (c) A dealership that has permitted a license to expire may  
25 have it restored by submitting an application to the  
26 Department, successfully completing an inspection by the

1 Department, and by paying the required restoration fee and all  
2 lapsed renewal fees.

3 (d) A dealer that has permitted a license to expire may  
4 have it restored by submitting an application to the  
5 Department, paying the required restoration fee and all lapsed  
6 renewal fees and by providing evidence of competence to resume  
7 practice satisfactory to the Department and the Board, which  
8 shall include a copy of the license holder's valid and  
9 unexpired concealed carry license, or verification of the  
10 continued validity of the license holder's Firearm Owner's  
11 Identification Card through the Department of State Police in a  
12 manner prescribed by rule by the Department of State Police,  
13 and may include passing a written examination.

14 (e) Any dealer whose license has expired while he or she  
15 has been engaged (1) in the federal service in active duty with  
16 the Army of the United States, the United States Navy, the  
17 Marine Corps, the Air Force, the Coast Guard, or the State  
18 Militia called into the service or training of the United  
19 States of America, or (2) in training or education under the  
20 supervision of the United States preliminary to induction into  
21 the military service, may have his or her license restored  
22 without paying any lapsed renewal fees or restoration fee, if  
23 within 2 years after termination of that service, training or  
24 education, other than by dishonorable discharge, he or she  
25 furnishes the Department with an affidavit to the effect that  
26 he or she has been so engaged and that his or her service,

1 training or education has been so terminated.

2 (f) A license shall not be denied any applicant because of  
3 the race, religion, creed, national origin, political beliefs  
4 or activities, age, sex, sexual orientation, or physical  
5 disability that does not affect a person's ability to practice  
6 with reasonable judgment, skill, or safety.

7 (Source: 100SB1657eng.)

8 (100 SB1657eng, Sec. 70)

9 Sec. 70. Requirements; prohibitions.

10 (a) The Department of Financial and Professional  
11 Regulation shall implement the provisions of this Section by  
12 rule.

13 (b) A licensee shall maintain operating documents which  
14 shall include procedures for the oversight of the licensee and  
15 procedures to ensure accurate recordkeeping.

16 (c) By the date of application, a licensee shall implement  
17 appropriate security measures, as provided by rule, to deter  
18 and prevent the theft of firearms and unauthorized entrance  
19 into areas containing firearms. The rules may provide for:

20 (1) the manner of securing firearms when the location  
21 is both open and closed for business;

22 (2) alarm systems for licensees; and

23 (3) other reasonable requirements to deter illegal  
24 sales and reduce the risk of burglaries and other crimes or  
25 accidents at licensees' business establishments.

1           (d) Beginning January 1, 2021, if ~~if~~ a licensee operates  
2 the business at a permanent physical location that is open to  
3 the public, that location shall be equipped with a video  
4 surveillance system sufficient to monitor the critical areas of  
5 the business premises, including, but not limited to, all  
6 places where firearms are stored, handled, sold, transferred,  
7 or carried. A video surveillance system of the licensee's  
8 business premises may not be installed in a bathroom and may  
9 not monitor the bathrooms located in the business premises. The  
10 video surveillance system shall operate without interruption  
11 whenever the licensee is open for business. Whenever the  
12 licensee is not open for business, the system shall be  
13 triggered by a motion detector and begin recording immediately  
14 upon detection of any motion within the monitored area. The  
15 stored images shall be maintained on the business premises of  
16 the licensee for a period of not less than 90 days from the  
17 date of recording and shall only be available for inspection on  
18 the premises by the licensee, the licensee's dealership agents,  
19 the Department, or federal, State, and local law enforcement  
20 upon request, and neither the stored images, copies, records,  
21 or reproductions of the stored images shall leave the custody  
22 of the licensee except under a court order, subpoena, or search  
23 warrant. The licensee shall post a sign in a conspicuous place  
24 at each entrance to the premises that states in block letters  
25 not less than one inch in height:

26           "THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE

1 MAY BE RECORDED."

2 (e) The area where the licensee stores firearms that are  
3 inventory of the licensee shall only be accessed by dealership  
4 agents, Department of Financial and Professional Regulation  
5 staff performing inspections, law enforcement or other  
6 emergency personnel, and contractors working on jobs unrelated  
7 to firearms, such as installing or maintaining security devices  
8 or performing electrical wiring.

9 (f) A licensee shall operate its business and conduct all  
10 sales and transfers of firearms in compliance with all federal  
11 and State laws, and maintain all records as required by federal  
12 and State laws.

13 (g) A licensee shall make a photo copy of a buyer's or  
14 transferee's valid photo I.D. card whenever a sale transaction  
15 takes place. The photo copy shall be attached to the  
16 documentation detailing the record of sale.

17 (h) A licensee shall post in a conspicuous position on the  
18 premises where the licensee conducts business a sign that  
19 contains the following warning in block letters not less than  
20 one inch in height:

21 "With few exceptions, it is unlawful for you to:

22 (1) store or leave an unsecured firearm in a place  
23 where a child can obtain access to it,

24 (2) sell or transfer your firearm to someone else  
25 without receiving approval for the transfer from the  
26 Department of State Police, or

1           (3) fail to report the loss or theft of your  
2           firearm to local law enforcement within 72 hours."

3           A licensee shall post any additional warnings or provide  
4           any other information regarding firearms laws and the safe  
5           storage of firearms to consumers as required by the Department  
6           by rule.

7           (i) Before issuance, renewal, or restoration of a  
8           dealership license, the Department shall inspect the premises  
9           of the proposed business to ensure compliance with this Act.  
10          Licensees shall have their places of business open for  
11          inspection by the Department and law enforcement during all  
12          hours of operation, provided that the Department may conduct no  
13          more than one unannounced inspection per dealer or dealership  
14          per year without good cause. Licensees shall make all records,  
15          documents, and firearms accessible for inspection upon the  
16          request of law enforcement and the Department.

17          (j) The premises where the licensee conducts business shall  
18          not be located in any district or area that is within 500 feet  
19          of any school, pre-school, or day-care facility. This  
20          subsection (j) does not apply to a licensee whose business  
21          existed in that location on the effective date of this Act, and  
22          does not limit the authority of a local government to impose  
23          and enforce additional limits on the location of a business  
24          regulated under this Act.

25          (Source: 100SB1657eng.)

1 (100SB1657eng, Sec. 150)

2 Sec. 150. Fees; deposit of fees and fines. The Department  
3 shall by rule provide for fees for the administration and  
4 enforcement of this Act, and those fees are nonrefundable. An  
5 application fee or renewal fee for a dealership license or a  
6 dealer license shall not exceed \$1,000 for the 5-year period.  
7 All of the fees, penalties, and fines collected under this Act  
8 shall be deposited into the General Professions Dedicated Fund  
9 and shall be appropriated to the Department for the ordinary  
10 and contingent expenses of the Department in the administration  
11 and enforcement of this Act.

12 (Source: 100SB1657eng.)

13 Section 99. Effective date. This Act takes effect upon  
14 Senate Bill 1657 of the 100th General Assembly becoming law.".