



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 337

2 AMENDMENT NO. _____. Amend Senate Bill 337 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 and ~~7~~ renewal period for each
12 license shall be 5 years. The ~~7~~ ~~and~~ conditions for renewal and
13 restoration of each license shall be set by rule. 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.".