

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1275

Short Title: Enforce Gun Laws at Gun Shows.

(Public)

Sponsors: Representatives Kinney and Hurley (Primary Sponsors).

Referred to: Judiciary III.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE ENFORCEMENT OF GUN LAWS AT GUN SHOWS.

3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 14 of the General Statutes is amended by adding a new
5 Article to read:

6 **“ARTICLE 54C.**
7 **"GUN SHOWS.**

8 **"§ 14-415.30. Definitions.**

9 The following definitions apply in this Article:

- 10 (1) Firearm. – A weapon, by whatever name known, which is designed to
11 expel a projectile by the action of powder and which is readily capable
12 of use as a weapon.
- 13 (2) Flea market. – A bazaar or sale that is organized for the purpose of
14 selling new or used merchandise and at which more than one vendor is
15 displaying or selling merchandise. The term does not include a garage
16 sale.
- 17 (3) Garage sale. – An event at which new or used merchandise is offered
18 for sale and that is held at a private residence no more than three times
19 per year.

- 1 (4) Gun show. – A function sponsored by: (i) a national, state, or local
2 organization devoted to the collection, competitive use, or other sporting
3 use of firearms; or (ii) an organization or association that sponsors
4 functions devoted to the collection, competitive use, or other sporting
5 use of firearms in the community. The term ‘gun show’ includes, but is
6 not limited to, any area near the location of the gun show that is used for
7 parking for the gun show. The term also includes flea markets where
8 guns are sold.
- 9 (5) Gun show promoter. – A person who organizes, promotes, or otherwise
10 sponsors a gun show.

11 **§ 14-415.31. Gun shows; registration; promoter must apply for permit with**
12 **sheriff.**

13 (a) No person shall organize, promote, or otherwise sponsor a gun show in any
14 county unless the person has first obtained a permit as a gun show promoter from the
15 sheriff of that county.

16 (b) Upon application, the sheriff shall determine whether the applicant satisfies the
17 criteria set out in G.S. 14-404. If the sheriff is satisfied that the person does qualify for a
18 permit under G.S. 14-404, then the sheriff may issue a gun show promoter permit to the
19 person. The sheriff may charge a reasonable fee at the time of application. The fee shall
20 be retained by the sheriff. The sheriff shall make forms readily available at the office of
21 the sheriff or at other public offices in the sheriff’s jurisdiction.

22 **§ 14-415.32. Gun show promoter; duties.**

23 (a) At least 30 days before the gun show, the gun show promoter shall notify the
24 sheriff of the time and location of the gun show, provide the sheriff with a list of the
25 vendors at the show, and indicate whether the vendors are federal firearms licensees. The
26 gun show promoter shall also inform the vendors in writing of their legal obligations
27 regarding the sale and display of firearms at the gun show and require as a condition of
28 participation in the gun show that the vendors acknowledge receipt of the information. If
29 a gun show promoter fails to satisfy the requirements of this subsection, the sheriff may
30 revoke the permit for the gun show.

31 (b) A gun show promoter shall do all of the following:

- 32 (1) Ensure that any person who, while at the gun show, displays a firearm
33 for purposes of sale or sells, leases, or otherwise transfers a firearm to
34 another person complies with the requirements of G.S. 14-415.33 and
35 G.S. 14-402(a).
- 36 (2) Provide the services of a person licensed as a dealer under 18 U.S.C. §
37 923 to conduct the transactions described in G.S. 14-415.33.

38 **§ 14-415.33. Display and sale of firearms at gun show.**

39 (a) A person may display a firearm for sale while at a gun show without
40 complying with subsection (b) of this section. However, a person who displays a firearm
41 for sale under this subsection may not sell, lease, or otherwise transfer a firearm unless
42 the transaction is conducted through a person licensed as a dealer under 18 U.S.C. § 923.

1 (b) Except as otherwise provided by this section, a person who, while at a gun
2 show, displays a firearm for purposes of sale or sells, leases, or otherwise transfers a
3 firearm to another person must be licensed as a dealer under 18 U.S.C. § 923 and must
4 post the license in accordance with 27 C.F.R. 178.91 and 178.100(a). A transfer of a
5 handgun must comply with Article 52A of this Chapter.

6 **"§ 14-415.34. Violation punishable as a misdemeanor.**

7 (a) A violation of this Article is a Class 1 misdemeanor.

8 (b) It is an affirmative defense under this section that both of the following
9 conditions were met:

10 (1) The gun show promoter made a good faith effort to ensure that persons
11 displaying, selling, leasing, or otherwise transferring firearms complied
12 with the requirements of this Article; and

13 (2) The display, sale, lease, or transfer by a noncomplying person occurred
14 in an area of the gun show other than the primary area used for
15 displaying, selling, leasing, or otherwise transferring firearms."

16 Section 2. This act becomes effective December 1, 1999, and applies to
17 offenses committed on or after that date.