

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1627

Short Title: Enforce Gun Law at Gun Shows.

(Public)

Sponsors: Representatives Easterling; Luebke and Weiss.

Referred to: Rules, Calendar, and Operations of the House.

May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE ENFORCEMENT OF GUN LAWS AT GUN SHOWS
AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

The General Assembly of North Carolina enacts:

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

“ARTICLE 54C.
"GUN SHOWS.

"§ 14-415.30. Definitions.

The following definitions apply in this Article:

- (1) Firearm. – A weapon, by whatever name known, which is designed to expel a projectile by the action of powder and which is readily capable of use as a weapon.
- (2) Flea market. – A bazaar or sale that is organized for the purpose of selling new or used merchandise and at which more than one vendor is displaying or selling merchandise. The term does not include a garage sale.
- (3) Garage sale. – An event at which new or used merchandise is offered for sale and that is held at a private residence no more than three times 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, except as provided in subsection (c) of this section. If the
18 sheriff is satisfied that the person does qualify for a permit under G.S. 14-404 except as
19 provided in subsection (c) of this section, then the sheriff may issue a gun show promoter
20 permit to the person. The sheriff may charge a reasonable fee at the time of application.
21 The fee shall be retained by the sheriff. The sheriff shall make forms readily available at
22 the office of the sheriff or at other public offices in the sheriff's jurisdiction.

23 (c) Notwithstanding G.S. 14-404, a person does not have to be a resident of the
24 county in which the person applies for a permit as a gun show promoter. However, a
25 permit as a gun show promoter may be issued only to a person who is a resident of North
26 Carolina.

27 **§ 14-415.32. Gun show promoter; duties.**

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

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

- 37 (1) Ensure that any person who, while at the gun show, displays a firearm
38 for purposes of sale or sells, leases, or otherwise transfers a firearm to
39 another person complies with the requirements of G.S. 14-415.33 and
40 G.S. 14-402(a).
- 41 (2) Provide the services of a person licensed as a dealer under 18 U.S.C. §
42 923 to conduct the transactions described in G.S. 14-415.33.

43 **§ 14-415.33. Display and sale of firearms at gun show.**

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

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

10 **"§ 14-415.34. Violation punishable as a misdemeanor.**

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

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

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

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

20 Section 2. This act becomes effective December 1, 2000, and applies to
21 offenses committed on or after that date.