

Senate Bill 252

By: Senator Wiles of the 37th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 16 of Title 43 of the Official Code of Georgia Annotated, relating to
2 firearms dealers, so as to transfer authority for the regulation of firearms dealers from the
3 Department of Public Safety to the state revenue commissioner; to provide for a definition;
4 to provide for the promulgation of rules and regulations regarding firearms dealers; to change
5 the provisions relating to surety bonds; to provide for penalties; to provide for the inspection
6 of licensees and their books, records, and other materials and premises; to provide for
7 practices and procedures; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 16 of Title 43 of the Official Code of Georgia Annotated, relating to firearms
11 dealers, is amended by striking Code Section 43-16-1, relating to definitions, and inserting
12 in its place the following:

13 "43-16-1.

14 (a) As used in this chapter, the term '~~department~~' 'commissioner' means the ~~Department of~~
15 ~~Public Safety~~ state revenue commissioner.

16 (b) The state revenue commissioner shall administer and enforce this chapter. The
17 commissioner may make and publish reasonable rules and regulations that the
18 commissioner deems appropriate for the administration of this chapter, provided that the
19 promulgation of rules and regulations shall be conducted in conformity with Chapter 13
20 of Title 50, the 'Georgia Administrative Procedure Act.'"

21 **SECTION 2.**

22 Said chapter is further amended by striking Code Section 43-16-2, relating to license
23 requirements and the applicability of the chapter to casual sales, and inserting in its place the
24 following:

1 "43-16-2.
2 Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who shall
3 sell, dispose of, or offer for sale or cause or permit to be sold, disposed of, or offered for
4 sale any pistol, revolver, or short-barreled firearm of less than 15 inches in length, whether
5 the same shall be his or her own property or whether he or she shall sell the same as an
6 agent or employee of another, shall obtain from the ~~department~~ commissioner a license
7 permitting the sale of such pistols, revolvers, and firearms. Nothing in this chapter shall
8 apply to or prohibit the casual sales of the articles referred to in this Code section between
9 individuals or bona fide gun collectors."

10 SECTION 3.

11 Said chapter is further amended by striking Code Section 43-16-4, relating to surety bonds,
12 and inserting in its place the following:

13 "43-16-4.
14 There shall be filed with the application for a license under this chapter a bond for the sum
15 of \$1,000.00, payable to the State of Georgia and conditioned upon the faithful
16 performance of all provisions of this chapter, signed by the applicant as principal, and with
17 a surety company or two individuals as securities. Such bond must be approved by the
18 ~~department~~ commissioner."

19 SECTION 4.

20 Said chapter is further amended by striking Code Section 43-16-5, relating to license fees,
21 and inserting in its place the following:

22 "43-16-5.
23 All annual license fees described by this chapter shall be paid to the ~~department~~
24 commissioner on or before July 1 of each year. The ~~department~~ commissioner shall issue
25 ~~its~~ his or her receipt for every payment. The annual license payment to acquire such license
26 shall be \$25.00 for the owner of any establishment which sells any firearms listed in Code
27 Section 43-16-2. The annual employee license fee shall be \$3.00."

28 SECTION 5.

29 Said chapter is further amended by striking Code Section 43-16-6, relating to disposition of
30 fees and expenses of administering the chapter, and inserting in its place the following:

31 "43-16-6.
32 All fees derived under this chapter shall be paid into the general fund of the state treasury;
33 and the funds necessary to pay the expense of administering this chapter shall be derived
34 from appropriations made to the ~~department~~ commissioner."

SECTION 6.

Said chapter is further amended by striking Code Section 43-16-8, relating to revocation of licenses for nonpayment of fees, and inserting in its place the following:

"43-16-8.

Should any licensee fail or neglect to pay his or her annual license fee on or before July 1 of every year, the ~~department~~ commissioner shall notify ~~him~~ such licensee that his or her license will be revoked. Unless the fee is paid in full before August 1 of the same year, the ~~department~~ commissioner shall revoke the license."

SECTION 7.

Said chapter is further amended by striking Code Section 43-16-9, relating to the fee for reinstatement of a license, and inserting in its place the following:

"43-16-9.

The owner of any establishment or employee thereof whose license for selling such firearms has been revoked for failure to pay the annual license fee may make application to the ~~department~~ commissioner for reinstatement. Such application shall be accompanied by a fee of \$10.00, in addition to the regular license fee required. If the ~~department~~ commissioner shall find the applicant guilty only of default in payment of annual license fees, the license may be immediately reinstated."

SECTION 8.

Said chapter is further amended by striking Code Section 43-16-10, relating to the authority to revoke a license for fraud, unethical practice, or crime, and inserting in its place the following:

"43-16-10.

The ~~department~~ commissioner shall have the power to revoke any license granted by ~~it~~ him or her under this chapter to any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation, or any agent or employee thereof, found by the ~~Board of Public Safety~~ commissioner to be guilty of fraud or willful misrepresentation, or found guilty under the laws of this state of any crime involving moral turpitude, or found guilty of violating Code Section 16-11-101."

SECTION 9.

Said chapter is further amended by striking Code Section 43-16-10.1, relating to record-keeping requirements, and inserting in its place the following:

1 "43-16-10.1.

2 (a) As a condition of any license issued pursuant to this chapter, each licensee shall be
3 required to keep a record of the acquisition and disposition of firearms as provided in this
4 Code section.

5 (b) The record required by subsection (a) of this Code section shall be identical in form
6 and context to the firearms acquisition and disposition record required by Part ~~178~~ 478 of
7 Chapter ~~1~~ II of Title 27 of the Code of Federal Regulations as it exists on July 1, ~~1988~~
8 2003.

9 (c) The record required by subsection (a) of this Code section shall be maintained on the
10 licensed premises and shall be open to the inspection of any duly authorized law
11 enforcement officer and special agents and enforcement officers appointed by the
12 commissioner during the ordinary hours of business or at any reasonable time. The record
13 of each acquisition or disposition of a firearm shall be maintained for a period of not less
14 than five years.

15 (d) The failure of a licensee to keep and maintain the records required by this Code section
16 shall be grounds for revocation of the license."

17 **SECTION 10.**

18 Said chapter is further amended by striking Code Section 43-16-11, relating to applicability
19 of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," and inserting in its
20 place the following:

21 "43-16-11.

22 ~~All proceedings for the revocation of licenses issued~~ Proceedings regarding licenses issued
23 under this chapter shall be conducted in accordance with procedures established by the
24 commissioner in the rules and regulations promulgated under this chapter and shall not be
25 governed by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

26 **SECTION 11.**

27 All laws and parts of laws in conflict with this Act are repealed.