

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 1020**

Short Title: Enforce Gun Laws at Gun Shows.

(Public)

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Sponsors: Senator Miller.

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Referred to: Judiciary II.

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April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE ENFORCEMENT OF GUN LAWS AT GUN SHOWS.

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. – The term 'firearm' means: (i) a weapon, by whatever name known, that is designed to expel a projectile by the action of powder and that is readily capable of use as a weapon; (ii) the frame or receiver of any such weapon; or (iii) any firearm muffler or firearm silencer.
- (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.
- (3) Gun show. – Any event: (i) at which 25 or more firearms or other weapons as defined in G.S. 14-269(a) are offered or exhibited for sale, transfer, or exchange; and (ii) at which two or more persons are offering or exhibiting firearms for sale, transfer, or exchange. The term 'gun show' includes, but is not limited to, any area near the location of the gun show that is used for parking for the gun show. The term 'gun show' also includes flea markets where firearms are sold.
- (4) Gun show promoter. – A person who organizes, promotes, or otherwise sponsors a gun show. The term 'gun show promoter' also included the employees of the promoter.

1           (5) Vendor – A person who exhibits a firearm for sale, transfer, or  
2           exchange at a gun show.

3 **"§ 14-415.31. Gun shows; registration; promoter must apply for permit with**  
4 **sheriff; inspection of books and records.**

5           (a) No person shall organize, promote, or otherwise sponsor a gun show in any  
6 county unless the person has first obtained a permit as a gun show promoter from the  
7 sheriff of that county. One permit shall be required for each gun show and the permit  
8 expires at the conclusion of the gun show for which it was obtained.

9           (b) Upon application, the sheriff shall determine whether the applicant satisfies  
10 the criteria set out in G.S. 14-404. If the sheriff is satisfied that the person does qualify  
11 for a permit under G.S. 14-404, the sheriff shall issue a gun show promoter permit to the  
12 person. At the time the gun show promoter permit application is submitted to the sheriff,  
13 the applicant shall also submit a fee of one hundred dollars (\$100.00). The sheriff shall  
14 transmit this fee to the county finance officer. The amount of this fee shall be used by  
15 the sheriff to pay the costs of administering this Article and for other law enforcement  
16 purposes. The county shall expend the restricted funds for these purposes only and these  
17 funds shall not be used to supplant other funds available to the sheriff.

18           (c) Notwithstanding G.S. 14-404, a person does not have to be a resident of the  
19 county in which the person applies for a permit as a gun show promoter.

20           (d) To procure evidence of violations of this Article, the sheriff, deputy sheriff,  
21 and other employees of the sheriff may investigate the operation of each gun show for  
22 which a gun show permit has been issued, may make inspections that include viewing  
23 the entire premises, and may examine the books and records of the gun show promoter,  
24 the vendors, and the licensed dealer whose services are provided pursuant to G.S. 14-  
25 415.32(b)(2).

26           (e) Refusal by a gun show promoter or any employee of a gun show promoter to  
27 allow officers to enter the gun show to make an inspection authorized by subsection (d)  
28 of this section shall be cause for the revocation or suspension of the gun show permit.

29 **"§ 14-415.32. Gun show promoter; duties.**

30           (a) At least 30 days before the date of the gun show, the gun show promoter shall  
31 file an application with the sheriff and notify the sheriff of the time and location of the  
32 gun show, provide the sheriff with a list of the vendors at the show that includes the  
33 name, business address, home address, and taxpayer ID number for each vendor, and  
34 indicate whether the vendors are federal firearms licensees. The gun show promoter  
35 shall also inform the vendors in writing of their legal obligations regarding the sale and  
36 display of firearms at the gun show and require as a condition of participation in the gun  
37 show that the vendors acknowledge receipt of the information in writing. If a gun show  
38 promoter fails to satisfy the requirement of this subsection, the sheriff may revoke the  
39 permit for the gun show.

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

41           (1) Ensure that any person who, while at the gun show, displays a firearm  
42 for purposes of sale or sells, leases, or otherwise transfers a firearm to  
43 another person complies with the requirements of G.S. 14-415.33 and  
44 G.S. 14-402(a).

1           (2) Provide the services of a person licensed as a dealer under 18 U.S.C. §  
2           923 to conduct the transactions described in G.S. 14-415.33.

3           (3) Ensure that all employees of the promoter comply with the  
4           requirements of this Article.

5 **"§ 14-415.33. Display and sale of firearms at gun show.**

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

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

16           (c) This section shall not apply to the sale of antique firearms as defined in G.S.  
17 14-409.11 and historic-edged weapons as defined in G.S. 14-409.12.

18 **"§ 14-415.34. Violation punishable as a misdemeanor.**

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

20           (b) It is an affirmative defense for a gun show promoter under this section that  
21 both of the following conditions are met:

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

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

28           **SECTION 2.** This act becomes effective December 1, 2001, and applies to  
29 guns shows occurring on or after that date.