

COUNTY OF HAWAI'I
DEPARTMENT OF FINANCE
Vehicle Registration & Licensing Division
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APPLYING FOR ELECTRIC GUN BUSINESS LICENSE

Hawai'i Revised Statutes §134 Part ___ Electric Guns provides the process to follow to apply for a business license to sell, offer to sell, distribute, or otherwise transfer electric guns and cartridges. It also outlines your responsibilities in ensuring your customer has completed an electric gun safety or training course offered or approved by the county.

A fourteen day waiting period applies to all applications to sell, offer to sell, distribute, or otherwise transfer electric guns and cartridges.

All licenses will expire on June 30th and must be renewed prior to or on July 1st of each year. An annual fee of \$50 payable to County Director of Finance will be collected at time of application and renewal thereafter.

A. Qualifications for License

1. Licensee Eligibility –

- a) Must be 21 years of age;
- b) No felony convictions for any felony offense.

2. Licensee Requirements

- a) Within the last 3 years, must have completed an electric gun safety or training course offered or approved by the County of Hawai'i Police Department that focuses on:
 - i. The safe use and handling of electric guns;
 - ii. Current information about the effects, dangers, risks and limitations of electric guns;
 - iii. Education on the existing state laws on electric guns;
 - iv. The proper disposal of electric guns.
- b) Must be registered to do business in the State and in good standing.
- c) Provide Hawai'i tax identification number.
- d) Provide federal employer identification number (if applicable).
- e) Certify that applicant will comply at all times with, and is responsible for compliance by its employees with, all provisions of law relative to the acquisition, possession, storage, sale, offer for sale, distribution, and transfer of electric guns and cartridges.

B. Licensee Responsibilities

- 1) Display of License. The license issued by the County of Hawai'i to sell, offer to sell, distribute, or otherwise transfer electric guns or cartridges or a certified copy thereof, must be posted in a location readily visible to customers at each designated place of business. For internet sales, the license number shall be prominently displayed and an electronic copy of the license shall be readily accessible to the customer. A licensee is responsible for complying with any federal or out of state law for any out of state internet sale.
- 2) Complete, at least once every three years, an electric gun safety or training course offered or approved by the county that focuses on:
 - a. The safe use and handling of electric guns;
 - b. Current information about the effects, dangers, risks, and limitations of electric guns;
 - c. Education on existing state laws on electric guns; and
 - d. Proper disposal of electric guns.

Copies of certificates of completion of these training courses must be kept in licensee's business records.

- 3) Authorized Employees. An employee participating in the sale or transfer of electric guns or cartridges must complete the training course described in paragraph B (2) above prior to participating in the sale, distribution or transfer of electric guns or cartridges and then at least once every three years to retain authority to sell or transfer. (An authorized employee is an employee that meets eligibility and training requirements as stated in A (1) and (2)).

Copies of the certificates of completion of the training courses for each employee must be kept in the licensee's business record at the employee's assigned location.

- 4) Inventory Records
 - a. If there is no manufacturer serial number on an electric gun or cartridge received into inventory by a licensee, then the licensee shall engrave on the electric gun or cartridge a legible unique serial number that begins with the licensee's license number, followed by a hyphen and a unique identifying number.
 - b. A record of all electric guns and cartridges received into inventory within the state must be kept. Including:
 - i. Information identifying the seller, distributor or transferor of the electric gun or cartridge; and
 - ii. The transaction record for the electric gun or cartridge, including the date of receipt, a description of the electric gun or cartridge, the manufacturer's serial number or the unique identifying serial number engraved by the licensee, and, if available, the manufacturer and the model number.
 - iii. A licensee is responsible for maintaining awareness and compliance with any changes in the law.

- 5) Background Checks of Recipients (Purchasers). Before completing a sale, distribution, or other transfer of an electric gun, a criminal history background check of the recipient shall be conducted by the licensee or employee of the licensee.
- c. At a minimum, the criminal history background check shall be a name-based search of the adult criminal conviction records maintained by the Hawai'i Criminal Justice Data Center.
 - d. The licensee or employee of licensee shall require the recipient to review a printed copy of the results of the background check.
 - e. After the review, the recipient shall sign and date a declaration (see attached).
 - f. The licensee or employee of the licensee shall witness the recipient sign the declaration and sign the declaration as a witness.
 - g. If the recipient is disqualified from owning an electric gun or refuses or is unable to sign or make the declaration, the licensee shall immediately terminate the sale, distribution or transfer.
 - h. Before completion of sale, distribution, or other transfer of an electric gun, the licensee or an employee of the licensee shall provide an informational briefing to the recipient that includes but is not limited to the following:
 - i. The safe use and handling of electric guns;
 - ii. Current information about the effects, dangers, risks and limitations of electric guns;
 - iii. Education on the existing state laws on electric guns; and
 - iv. The proper disposal of electric guns.
 - i. The person providing the informational briefing must complete a certification of informational briefing acknowledging that it was completed and the recipient must sign and date the certification form acknowledging that recipient understood the briefing.

6) Recordkeeping. Records to be kept.

- a. A licensee shall keep a record of the information provided to recipients during the informational briefing.
- b. A licensee shall keep records of all sales, distributions and other transactions of electric guns and cartridges sold in the State or to a recipient in the State, including:
 - i. The recipient's name, date of birth, address and telephone number;
 - ii. A copy of the recipient's government-issued identification card or document;
 - iii. The transaction record for the electric gun or cartridge, including the date of transaction; a description of the electric gun or cartridge; if available, the name of the manufacturer and serial and model numbers; and if necessary, the unique serial number engraved by the licensee;
 - iv. The criminal history background check and declaration signed by the recipient and the licensee or licensee's employee as a witness; and
 - v. A copy of the certification of informational briefing signed and dated by the recipient and the person who provided the briefing.
 - vi. A licensee shall keep a record of the licensee's current inventory of electric guns and cartridges.
 - vii. Records required by this section are to be kept for a minimum of ten years. If the licensee, as a result of death or dissolution, cannot maintain the records, the records shall be turned over to the chief of police for the County of Hawaii.
 - viii. During normal business hours, a licensee shall allow the chief of police for the County of Hawaii or designee to inspect the licensee's books and records for all records required to be kept by licensee for electric guns and cartridges.

7) Display. When displaying or storing electric guns or cartridges at a designated place of business, a licensee shall display or store the electric guns and cartridges in a locked cabinet or area not accessible to the general public.

8) Inspection. During normal business hours, a licensee shall allow the chief of police for the County of Hawaii or designee to physically inspect all electric guns and cartridges in the possession and control of licensee wherever they may be located in this County.

9) Violations.

- a. Any person, including the licensee, violating this section shall be guilty of a misdemeanor.
- b. A license may be suspended or revoked for a violation of any of the requirements of this section.