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March 13, 1987

Honorable Kent Pullen
State Senator, 47th District
42-A Legislative Building
Olympia, Washington 98504

Dear Senator Pullen:

Your question concerning the proper interpretation of RCW 9.41.050(3) has been referred to me for reply. The specific question which you have asked is:

May a person who possesses a valid concealed weapon permit, and who is within a vehicle, legally possess a loaded pistol within the vehicle which is not on his or her person?

For the reasons set forth below, it is my opinion that your question should be answered in the affirmative.

RCW 9.41.050(3) provides:

A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed weapon and: (a) The pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.

The literal and grammatical construction of this statute requires subparts (a), (b) and (c) to be read in the disjunctive, i.e., as if the word "or" appeared between (a) and (b). When read in that manner it is clear that a loaded pistol need not be carried on one's person when that person is in the vehicle.

A basic rule of statutory construction is that when the language used is clear and unambiguous, there is no room for construing the language to mean anything different than what it literally says. Hatfield v. Green, 87 Wn.2d 780, 55 P.2d 340 (1976).

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There are two exceptions to this rule. If a literal reading produces absurd results it will not be followed. State v. Keller, 98 Wn.2d 725, 657 P.2d 1384 (1983). In this case, no absurdity results if the statute is read to allow a person not to have to carry the pistol while he or she is in the car.

The second exception applies to those situations in which a literal reading of the statute is obviously contrary to legislative intent. Silver Shores Mobile Home Park, Inc. v. City of Everett, 87 Wn.2d 618, 555 P.2d 993 (1976). The 1982 Final Legislative Report for House Bill 600 [the bill that amended RCW 9.41.050 to its current language] describes the law before and after the bill as follows:

BACKGROUND: [The law before HB 600]

...

Anyone who carries a loaded pistol in a vehicle must carry it on one's person. If it is not on one's person, the weapon must be unloaded. There is no provision for carrying or leaving a weapon, loaded or unloaded, in a car.

...

SUMMARY: [The law after HB 600]

...

An unloaded, licensed pistol may be left in a vehicle, but only if the pistol is locked in the vehicle and concealed from view. A loaded, licensed pistol may be carried or placed in a vehicle only if the pistol is carried on the licensee's person, the licensee remains in the vehicle at all times the pistol is there, or, if the licensee is not present, the pistol is locked within the vehicle and hidden from view.

Legislative Report, at 51-52.

Legislative bill reports are acceptable sources of legislative history. See Port of Edmonds v. PERC, 103 Wn.2d 331, 336, 692 P.2d 814 (1985). It is clear from this piece of legislative history that one of the reasons

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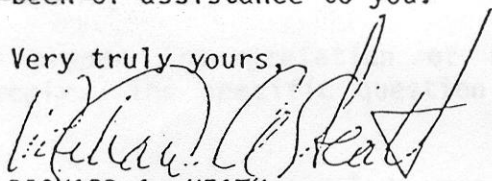
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for amending RCW 9.41.050 was to make it possible for a loaded pistol to be carried other than on one's person when that person is in an automobile.

In summary, the plain language of the statute, internal consistency and legislative intent all require an affirmative answer to your question. RCW 9.41.050 permits a person who possesses a valid concealed weapon permit, and who is within a vehicle, to legally possess a loaded pistol within the vehicle which is not on his or her person.

Hopefully, the foregoing has been of assistance to you.

Very truly yours,



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Sr. Assistant Attorney General

RAH:lcs

cc: Christine O. Gregoire, Deputy Attorney General
Chip Holcomb, Assistant Attorney General - WSP