

EXHIBIT 1  
DATE 1/7/05  
HB 39

**DEPARTMENT OF JUSTICE**  
**HB 39: Repealing Unnecessary Limits Placed**  
**on the Sale of Rifles and Shotguns**

**Background**

Montana statutes do not provide for the licensing of gun dealers, nor do they condition the sale of rifles or shotguns upon compliance with specific requirements. Federal law, however, does mandate the licensing of firearms dealers and prohibits some transactions involving the sale of firearms.

In 1969, MCA 45-8-341 and 45-8-342 were enacted in response to a federal gun law that required an "affirmative state law authorization" for rifle and shotgun sales by Montana dealers to residents of contiguous states.

In 1986 the federal requirement for affirmative state law authorization was removed.

**Conclusion**

These two statutes were rendered moot by changes made to federal law in 1986. In the meantime, they have only created confusion for firearms dealers.

2005 Legislature  
January 7, 2005