



U.S. Department of Justice
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Assistant Director
Enforcement Programs & Services

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OPEN LETTER TO ALL VERMONT FEDERAL FIREARMS LICENSEES
REGARDING CHANGES TO VERMONT LAW 13 V.S.A. § 4019

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is committed to helping Federal firearms licensees (FFLs) successfully comply with firearms laws and regulations.

Changes to Vermont Law, 13 Vermont Statutes Annotated (V.S.A.) § 4019, effective July 1, 2022, have generated questions from Vermont FFLs. This letter alerts Vermont FFLs to the recent changes in Vermont law and provides guidance to ensure Vermont FFLs remain in compliance.

The change to 13 V.S.A. § 4019 at issue is as follows (emphasis added):

- (d)** A person shall not transfer a firearm to another person if:
- (1)** the transfer requires a background check under this section or under federal law; and
 - (2)** the licensed dealer facilitating the transfer has not been provided with a unique identification number for the transfer by the National Instant Criminal Background Check System, **provided that if the identification number has not been provided within seven business days, then the transfer may proceed.**

Under Federal law, a licensee may transfer a firearm if three business days (or ten business days, as now applied under the Bipartisan Safer Communities Act for purchasers under the age of 21) have elapsed from the date the licensee contacted the National Instant Criminal Background Check System (NICS) and NICS has not notified the licensee that receipt of the firearm by the transferee would be in violation of law (if State law permits the transfer). A business day is any 24-hour day beginning at 12:01 AM the day after the NICS check was initiated in which State offices are open. A business day does not include Saturday, Sunday, or State and Federal holidays. **Pursuant to Vermont law (13 V.S.A. § 4019), FFLs are required to wait for seven business days after conducting a NICS check before transferring a firearm, unless a PROCEED response is received from NICS.**

If the FFL transfers the firearm after seven business days without receiving a response from NICS, the FFL must check the box adjacent to “No response was provided within 3 business days” on ATF Form 4473, line 27d.

Now, under the recent changes to Vermont law (13 V.S.A. § 4019), and unless the FFL was notified cause exists to further investigate a possibly disqualifying juvenile record extending the period to 10 business days, the earliest a Vermont FFL can transfer a firearm on a “delayed” NICS response can be found in the chart below (*this table does not reflect the changes caused by Federal holidays, State holidays, or closures*):

Monday	Thursday of the following week
Tuesday	Friday of the following week
Wednesday	2 nd following Monday
Thursday	2 nd Following Tuesday
Friday	2 nd Following Wednesday
Saturday	2 nd Following Wednesday
Sunday	2 nd Following Wednesday

If the transfer of the firearm(s) takes place on a different day from the date that the transferee/buyer signed Section B, the transferee/buyer must complete Section D immediately prior to the transfer of the firearm(s) (ATF Form 4473, lines 30 and 31) and the licensee must record the actual date of transfer (ATF Form 4473, line 36).

Receipt of a PROCEED response from NICS during the waiting period allows for the immediate lawful transfer of the firearm. The date of the PROCEED response must be reflected on ATF Form 4473, line 27d. As a reminder, each NICS check is valid for 30 days from the date NICS was initially contacted. Licensees must conduct a new NICS check if that time period elapses and the licensee intends to transfer the firearm to the same person listed on the ATF Form 4473.

ATF works closely on many matters with the firearms industry and appreciates the important role the industry can play in combating violent crime. Licensees who have any questions regarding Federal firearms laws and regulations may contact their local ATF office. A listing of ATF office phone numbers can be found at <https://www.atf.gov/contact/atf-field-divisions>.

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