

ATF WEBINAR- FIREARMS ACCOUNTABILITY
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QUESTIONS & ANSWERS

What are the recordkeeping requirements for licensed manufacturers?

Recordkeeping requirements for licensed manufacturers can be found at 27 CFR 478.123. Each licensed manufacturer shall record the type, model, caliber or gauge, and serial number of each complete firearm manufactured or otherwise acquired, and the date such manufacture or other acquisition was made. The information required by this paragraph shall be recorded not later than the seventh day following the date such manufacture or other acquisition was made (27 CFR 478.123(a)).

A record of firearms disposed of by a manufacturer to another licensee shall be maintained by the licensed manufacturer on the licensed premises. The record shall show the quantity, type, model, manufacturer, caliber, size or gauge, serial number of the firearms so transferred, the name and license number of the licensee to whom the firearms were transferred, and the date of the transaction. The information required by this paragraph shall be entered in the proper record book not later than the seventh day following the date of the transaction, and such information shall be recorded under the format prescribed by §478.122, except that the name of the manufacturer of a firearm or armor piercing ammunition need not be recorded if the firearm or armor piercing ammunition is of the manufacturer's own manufacture (27 CFR 478.123(b)).

Each licensed manufacturer shall maintain separate records of the sales or other dispositions made of firearms to nonlicensees. Such records shall be maintained in the form and manner as prescribed by 27 CFR 478.124 and 478.125 in regard to firearms transaction records and records of acquisition and disposition of firearms (27 CFR 478.123(d)).

Additionally, licensed manufacturers may maintain records pursuant to ATF Rul. 2010-8, which authorizes them to consolidate these required records provided that the record includes certain information and the licensee complies with all of the conditions set forth in the Ruling.

What are the recordkeeping requirements for licensed importers?

Each licensed importer shall, within 15 days of the date of importation or other acquisition, record the type, model, caliber or gauge, manufacturer, country of manufacture, and the serial number of each firearm imported or otherwise acquired, and the date such importation or other acquisition was made (27 CFR 478.122(a)).

A record of firearms disposed of by a licensed importer to another licensee shall be maintained by the licensed importer on the licensed premises. For firearms, the record shall show the quantity, type, manufacturer, country of manufacture, caliber or gauge, model, serial number of the firearms so transferred, the name and license number of the licensee to whom the firearms were transferred, and the date of the transaction. The information required by this paragraph

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shall be entered in the proper record book not later than the seventh day following the date of the transaction, and such information shall be recorded under the following format:

Importer's Firearms Disposition Record

Quantity	Type	Manufacturer	Country of manufacture	Caliber or gauge	Model	Serial No.	Name and license No. of licensee to whom transferred	Date of the transaction

(27 CFR 478.122(b))

Each licensed importer shall maintain separate records of the sales or other dispositions made of firearms to nonlicensees. Such records shall be maintained in the form and manner as prescribed by 27 CFR 478.124 and 478.125 in regard to firearms transaction records and records of acquisition and disposition of firearms (27 CFR 478.122(d)).

Additionally, licensed importers may maintain records pursuant to ATF Rul. 2011-1, which authorizes them to consolidate these required records provided that the record includes certain information and the licensee complies with all of the conditions set forth in the Ruling.

What should be entered in the acquisition and disposition (A&D) record under 'Model' if no model is marked on the firearm?

A licensed manufacturer is not required to designate a model for each firearm. Therefore, there may be instances where a firearm is not marked with a model. If a licensee acquires such a firearm, he should record 'No Model Listed,' 'None,' 'N/A' or some other language to indicate that the firearm has no model designation in the A&D record.

Do the recordkeeping requirements for licensed dealers apply to licensed gunsmiths?

Yes. A licensed gunsmith must enter into his bound acquisition and disposition record, required to be maintained by 27 CFR 478.125(e), each receipt and disposition of firearms, except that a firearm need not be entered in the bound acquisition and disposition record if the firearm is brought in for adjustment or repair and the owner waits while it is being adjusted or repaired or if the gunsmith returns the firearm to the owner during the same business day it is brought in. If the firearm is retained from one business day to another or longer, it must be recorded in the bound acquisition and disposition record.

An ATF Form 4473 is not required to record the disposition made of a firearm delivered to a gunsmith for repair or customizing when the firearm is returned to the person from whom received.

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If multiple manufacturer and importer names are marked on a firearm, what should a licensed dealer enter in the A&D record?

The licensed dealer should record each manufacturer and importer name marked on the firearm.

Does ATF endorse any electronic computerized record systems?

No, ATF does not endorse any computerized record systems.

How does a licensed dealer properly record in the A&D a disposition involving the destruction of a firearm?

The licensed dealer should record the date of destruction as the disposition date and language that the firearm is destroyed on the disposition side of the A&D no later than seven days after the date the destruction occurs.

If the licensed dealer transfers the firearm to another licensee or a law enforcement agency with the intent of destruction, then the licensed dealer should record the date of the transfer, the name and address of the law enforcement agency, or the name and license number of the licensee to whom the firearm is transferred no later than seven days after the transfer has occurred.

How should a licensed dealer properly record the caliber of a firearm in the A&D? For example, is it permissible to record .45 or must the licensed dealer be more specific, such as .45 ACP?

A licensed dealer should record the caliber of a firearm as it is marked on the firearm. For instance, if .45 ACP is marked on the firearm, then the caliber should be recorded as .45 ACP in the A&D.

Is an ATF Form 4473 required when a licensed dealer transfers a silencer to an unlicensed individual?

Yes. However, the NICS requirement does not apply if the firearm is subject to the provisions of the National Firearms Act and has been approved for transfer under 27 CFR part 479 (27 CFR 478.102(d)(2)).

What impact does a State imposed waiting period have on a licensed dealer's requirement to log a firearm out of the A&D within 7 days?

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The State imposed waiting period has no impact on a licensed dealer's requirement to record the disposition of a firearm in the A&D in the time required. The licensed dealer must record the disposition within seven days of the transfer of the firearm, even if a waiting period delays the date of transfer.

When will ATF publish an updated version of the Federal Firearms Regulations Reference Guide, ATF P 5300.15?

This project is ongoing, and further notice regarding an updated version of this publication will be provided on a future date.

When recording the "Type" in the A&D, is a derringer considered pistol, a revolver, or something else?

When recording a derringer in the A&D, it should be recorded as a pistol.

If a model is not marked on a firearm, can a licensed dealer utilize the internet to ascertain the model and record it in the A&D as such?

A licensed manufacturer is not required to designate a model for each firearm. Therefore, there may be instances where a firearm is not marked with a model. If a licensee acquires such a firearm, he should record 'No Model Listed,' 'None,' 'N/A' or some other language to indicate that the firearm has no model designation in the A&D record. Adding superfluous information that is not marked on the firearm may negatively impact the traceability of that firearm.

Can a licensed dealer use Excel as a computerized A&D record? If the licensed dealer utilizes track changes, does this impact the determination?

Licensees may utilize electronic A&D records pursuant to ATF Rul. 2008-2. All data entered into the computer system must be recorded into the database and cannot be capable of being edited or modified at a later date without generating an audit trail. The software system must retain any correction of errors as an entirely new entry, without deleting or modifying the original entry. The system may allow for entries in a notes column to explain any correction.

A licensee may request a variance to maintain electronic A&D records via Excel pursuant to 27 CFR 478.125(h) and 27 CFR 478.22. All variance requests should be directed to the Chief, ATF Firearms Industry Programs Branch at fipb@atf.gov.

Do licensees have to provide a copy of the Youth Handgun Safety Act to another gunsmith? To whom must licensed dealers provide a copy of the Youth Handgun Safety Act notice?

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Licenses do not have to provide a copy of the Youth Handgun Safety Act to another licensee. Each licensed importer, manufacturer, dealer, or collector who delivers a handgun to a nonlicensee shall provide this notice.

What State abbreviations are acceptable to use in the A&D?

Licensed dealers should only use U.S. Postal abbreviations when entering a State abbreviation in the A&D record.

How does a licensee transfer a firearm from business inventory into his personal collection?

If the licensed dealer is a sole proprietorship, no ATF Form 4473 or NICS check is required to transfer a firearm from the business inventory to his personal collection. However, the A&D record must reflect the disposition of the firearm from business inventory to personal use, and the date of such transfer (27 CFR 478.125a).

An ATF Form 4473 and NICS check is required when a corporation, LLC, or partnership holding a FFL transfers a firearm to one of its officers (or partners in the case of a partnership) for his or her personal use. The disposition of this firearm must be recorded in the A&D record.

Can an officer of a licensed corporation complete an ATF Form 4473 and conduct a NICS check on himself prior to transferring a firearm from the business inventory to his personal collection? Does another employee need to contact NICS on his behalf?

An ATF Form 4473 and NICS check is required when a corporation holding a FFL transfers a firearm to one of its officers for his or her personal use. The disposition of this firearm must be recorded in the A&D record.

Under Federal law, nothing precludes a corporate officer from completing the ATF Form 4473 by himself and conducting the NICS check on himself prior to this transfer.

However, in many States, licensees initiate NICS checks through the State point of contact (POC). Such POCs may prohibit this activity. Any corporate officer considering completing an ATF F 4473 and conducting a NICS check on himself should contact his or her State Attorney General's Office to inquire about the laws and possible State or local restrictions. A list of State Attorney General contact numbers may be found at www.naag.org.

How does a licensed dealer properly record in the A&D a returned firearm?

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If a licensed dealer transfers a firearm to an individual, and the individual returns the same firearm back to the licensed dealer, the licensed dealer is required to record this acquisition in his A&D record. He should record the firearms identifying information required by 27 CFR 478.125(e), the date of acquisition, as well as the name and address of the person from whom the firearm was received.

What is the difference between a frame and a receiver?

The term “firearm frame or receiver” is defined as that part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel (27 CFR 478.11).

However, the term “frame” is usually applied when speaking about handguns and the term “receiver” is usually applied when speaking about long guns.

Are licensed dealers required to record the dash in a serial number (if applicable)? Does participation in Access 2000 Online with the ATF National Tracing Center (NTC) have any bearing on that?

Yes, licensed dealers are required to record the hyphen in a serial number, if applicable. Licensed dealers must record the acquisition of each firearm, including the serial number of each firearm. Certain firearms manufactured both within the United States (U.S.) and outside of the U.S. contain serial numbers with special characters, such as hyphens. These special characters contained within serial numbers have been designated by the manufacturer as part of their serial number scheme and are considered part of the serial number. Symbols, numbers, and/or letters found in firearm serial numbers often identify model designations and date of manufacture and may include other coded manufacturer data and are often very important to a successful trace of a crime gun.

What does a licensed dealer record in the A&D record under ‘Type’ for pistol grip shotguns?

Under Federal law, the definition of a shotgun is “a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosives to fire through a smooth bore either a number of ball shot or single projectile for each single pull of the trigger. The definition of a handgun is “a firearm which has a short stock and is designed to be held and fired by the use of a single hand.”

Certain commercially produced firearms do not fall within the definition of shotgun under the GCA even though they utilize a shotgun shell for ammunition. For example, firearms that come equipped with a pistol grip in place of the butt stock are not shotguns as defined by Federal law. A firearm with a pistol grip in lieu of the shoulder stock is not designed to be fired from the shoulder and, therefore, is not a shotgun.

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Because of this, this firearm should be recorded as a “pistol grip firearm” or other similar language in the type column of the A&D record.

Please remember Federal law provides that if the firearm to be transferred is “other than a rifle or shotgun,” the purchaser must be 21 years of age or older. Additionally, the licensee and transferee must be residents of the same State.

Questions have been raised about those firearms that are supplied with both a pistol grip and a shoulder stock. If the firearm is sold with the shoulder stock then the firearm is intended to be fired from the shoulder and would be considered a shotgun. The shoulder stock does not necessarily have to be attached at the time. Persons 18 years of age or older may purchase those firearms from licensees.

How does a licensee return a consignment firearm to its original owner?

Consignment firearms have always required the completion of an ATF Form 4473 upon return of the firearm to the person who placed it in consignment.

These firearms are placed in the licensee’s business inventory for sale and at that time they are entered in the licensee’s business acquisition and disposition record book. If the licensee does not sell the firearm, it may be returned to the unlicensed individual. At that time, an appropriate entry is made in the licensee’s acquisition and disposition record book as a disposition from the business inventory and the ATF Form 4473 is completed. Therefore, if a consignment firearm is not sold and returned to the person who placed it into consignment, a NICS check is required.

Who does a licensed dealer contact if he or she has questions regarding the renewal of his or her license?

The licensed dealer should contact the Federal Firearms Licensing Center (FFLC) at nlc@atf.gov or (866) 662-2750 (toll free).

Is there a limit on the number of firearms a licensed dealer may transfer to his personal collection per year?

No. Under Federal law, there is no limit to the number of firearms a licensed dealer (sole proprietor) can transfer to his personal collection.

If a licensed dealer transfers a firearm to his personal collection, and then later decides to sell that firearm to an unlicensed individual, must the licensed dealer complete the ATF F 4473 and conduct a NICS check?

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Under certain circumstances, a licensed dealer is exempt from the requirements to complete an ATF Form 4473 and to conduct a NICS check when selling a firearm from his or her personal firearms collection. Transfers of personal firearms are exempt from these requirements only if the following conditions are met:

- First, the licensee must have recorded in the bound book the acquisition of the firearm.
- Second, the licensee must have recorded in the bound book, as a disposition, the transfer of the firearm from the business inventory to the personal firearms collection.
- Third, the licensee must have maintained the firearm as part of his or her personal firearms collection for 1 year from the date the firearm was transferred to the personal collection, as shown in the bound book.
- Finally, the licensee must record the transfer in his or her disposition records of personal firearms. The licensed dealer must record identifying information about the firearm, the date of the sale or other disposition, and the name, address, and date of birth of the transferee (or, if the transferee is a licensee, the name and business address of the transferee).

In addition, the licensee shall cause any unlicensed transferee to be identified in any manner customarily used in commercial transactions (e.g., a driver's license).

What should a licensed dealer record in the A&D record if a foreign made firearm does not have a manufacturer's name marked on it?

A licensed dealer is required to record the date of receipt, the name and address or the name and license number of the person from whom received, the name of the manufacturer and importer (if any), the model, serial number, type, and the caliber or gauge of the firearm (27 CFR 478.125(e)). This information is to be derived directly from what is marked on the firearm.

When using e4473, on what color paper should the form be printed?

The form should be printed in the same color as the current edition of the ATF F 4473.

Can a licensed dealer transfer his paper A&D record to an electronic A&D record? If so, how does he accomplish this?

Yes. The licensed dealer should log out all of the firearms that are in inventory from his paper A&D record and enter them as acquisitions in the electronic A&D record. The date of disposition in the paper A&D record should reflect the date he is transferring the records, and the date of acquisition into the electronic A&D record should match the date he originally acquired the firearm. The licensed dealer should record the name and address or name and license number of the person from whom he received the firearm in the electronic A&D record.

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Additionally, the disposition information in the paper A&D record should indicate that the firearm has been transferred to an electronic A&D. Although not required, ATF recommends that licensed dealers include a reference to an inventory number or electronic A&D number in the disposition information.

As a reminder, Federal firearms licensees are required to maintain their A&D records for 20 years (27 CFR 478.129(e)).

Are licensed dealers required to obtain ATF Forms 4473 with 10.a. and 10.b. answered on the ATF Form 4473?

Yes. Transferees (purchasers) must select at least one race in item 10.b. regardless of ethnicity designation selected in item 10.a. Both items must be answered.

Definitions for race and ethnicity can be found at <http://www.atf.gov/firearms/faq/non-immigrant-aliens.pdf>.

Who do I contact to order more copies of the ATF F 4473?

To obtain additional ATF Forms 4473, please contact the ATF Distribution Center at 202-648-6420 or <http://www.atf.gov/forms/dcof/>.

How often will ATF hold webinars?

ATF is exploring different topics of webinars to present in the future, but at this time ATF cannot confirm the frequency at which it will present webinars.

How should a licensed dealer record a firearm in the A&D if the firearm has no manufacturer or importer marked on it?

A licensed dealer is required to record the date of receipt, the name and address or the name and license number of the person from whom received, the name of the manufacturer and importer (if any), the model, serial number, type, and the caliber or gauge of the firearm (27 CFR 478.125(e)). This information is to be derived directly from what is marked on the firearm. There may be times when a licensed dealer obtains a firearm with no manufacturer or importer marked on the firearm. Unlicensed individuals may manufacture a firearm and are not required to place marks of identifying information on it. Licensed dealers may also occasionally import firearms, and are not required to place marks of identification on those imported firearms.

If a licensee acquires such a firearm, he should record 'None,' or some other language to indicate that the firearm has no manufacturer or importer designation in the A&D record. If the firearm

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has a manufacturer name marked on it but does not have the importer name marked on the firearm, the licensed dealer should record the manufacturer's name.

Who does a licensed dealer contact regarding technical issues with the e4473?

Any technical issues pertaining to the e4473 can be emailed to ATF by visiting <http://www.atf.gov/applications/e4473/support.html>.

What are the regulations regarding lengths of rifles?

A short barreled rifle is a rifle having one or more barrels less than 16 inches in length, and any weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.

This type of firearm falls under the purview of the National Firearms Act (NFA). Basically, there are 2 ways that an individual (who is not prohibited by Federal, State, or local law from receiving or possessing firearms) may legally acquire NFA firearms:

- By transfer after approval by ATF of a registered weapon from its lawful owner residing in the same State as the transferee.
- By obtaining prior approval from ATF to make NFA firearms.

Further information pertaining to short barreled rifles can be found at:

<http://atf.gov/firearms/faq/national-firearms-act-short-barreled-rifles-shotguns.html>.

How does a licensed dealer properly complete a transfer to a law enforcement officer?

If a law enforcement officer intends to purchase firearms for official use, he or she must provide the licensed dealer with a certification on agency letterhead, signed by a person in authority within the agency (other than the officer purchasing the firearm), stating that the officer will use the firearm in official duties and that a records check reveals that the purchasing officer has no convictions for misdemeanor crimes of domestic violence. No ATF Form 4473 or NICS check is required to be completed. The law enforcement officer may purchase a firearm from a licensee in another State, regardless of where the officer resides or where the agency is located (27 CFR 478.134).

If the law enforcement officer is purchasing a firearm for personal use, an ATF F 4473 is required to be completed and a NICS check must be conducted. The licensed dealer is required to record the disposition in the A&D record within seven days.