



FFL 03 FAQ: aka Questions Posted to ATF.....

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(WARNING: these are **verbatim** questions and answers posted to ATF on the date indicated. Over time, the answers may change because of changes in laws or regulations)

1/13/05

Q: Can a person have two C&R licenses? One for their permanent residence in one state and the other at their school address in a different state?

A: The license covers the class of business or the activity specified in the license at the address specified therein. A separate license must be obtained for each location at which a firearms or ammunition business or activity requiring a license under the Gun Control Act. [27 CFR 478.50]

1/14/05

Q: There is some confusion as to filling out item #7 on the F7CR.. If you checked "individual" on #6, what "position" do you fill in on #7? Also, if the C&R is for individual collecting, why (in item #6) are other categories listed? What would be examples of some of the other categories?

A: If you are an individual applying for license your position would be "owner". The other categories are there for individuals who apply as partners or corporations. You can apply as such for a curios/relics license. An example would be a partnership between siblings or spouses or friends.

1/18/05

Q: If someone is in the military, active duty, and is stationed and lives on a base (CONUS), can this person get a C&R? I suspect that the delivery of firearms to a military base housing is probably governed more by the base regulations?

A: You should get permission from the base commander for collecting curios or relics. These firearms are also subject to inspection by the ATF.

{NOTE: additional sources have mentioned getting permission of unit commanders as well}

1/20/05

Q: I'm on vacation driving from Maine to Florida. Along the way, I visit friends and we go to both gun shows and gun dealer stores. I have a valid C&R. Can I purchase C&R eligible firearms outside of my home state and travel with them (unloaded and properly locked in cases), eventually returning home with them?

A: As a licensed collector of curios or relics you can acquire said firearms in interstate commerce. You must comply with any applicable State requirements. You can access the State laws at: <http://www.atf.gov/firearms/statelaws/25thedition/index.htm>.

1/21/05

Q: What is the deal with New Jersey? I have seen a lot written that New Jersey does not allow C&R licenses and/or people that have C&R licenses cannot order eligible firearms through interstate commerce. Do you have an ATF contact in NJ that I could go directly to? The state firearms link that you provided to me does say things that a state permit is required, but I'm not sure if I am reading it correctly, not being a lawyer.

A: The phone number to the ATF Area Office in New Jersey is (973) 247-3030. When you call ask to speak with an inspector.

{I talked to the NJ ATF office and NJ State Police Firearms Inspectors office via phone. The info I got is not good:}

New Jersey ATF office

Q: Can a person in NJ have a C&R license?

A: Yes

Q: Can a person with a valid C&R buy interstate firearms from dealers/other licensees?

A: Yes, contact NJ State Police

Q: Is there any State regs that C&R licensees need prior to buying or owning C&R firearms?

A: Yes, contact NJ State Police

Q: What about ordering ammo?

A: Yes, contact NJ State Police

New Jersey State Police:

Q: I have a C&R FFL03 and live in NJ. What does this allow me to do about ordering C&R firearms?

A: Nothing. You have to comply with local/state laws, which stipulate you may not order firearms delivery directly to your home. Therefore, NJ state law supersedes federal law. If you want to order a rifle/shotgun (C&R or Modern) you must fill out a certificate of eligibility for EACH rifle/shotgun you want to purchase. If you want to order a handgun, you must get a handgun permit from local police in advance. All transfers of firearms must be from dealer to dealer, as an example, you would go to your local sporting store that has a dealer license, have them use their FFL to obtain a transfer to their location, and then you go and pick it up from them in person. The basic story is that you must comply with the state/local laws. Check them out in advance for your locale.

Q: What about ordering ammo for delivery to home?

A: No requirements like those of firearms. If you go to the store in person, you must provide ID.

1/24/05

Q: Can you tell me what happens to the application for the C&R once it gets to ATF? What type of a back ground check is processed? Is it the same type as if one was buying a firearm? Just because your \$30 check clears does not mean that everything is perfect for the applicant?

A: You send the application to a postal box which is a lockbox to the bank. Once the funds are cashed the application is forwarded to the Licensing Center where it is added to the system, perfected and a background check is performed. All applications are examined in the order received. An application shall be approved or denied within a 60-day period beginning with the day a properly executed application was received.

2/3/05

Q: I just got a new F7CR packet. The Certification of Compliance forms were still included in the packet. Even though the new F7CR has part of the CofC in it, do I still need to send in the separate CofC form as well?

A: If you have the new form 7CR the certification of compliance with 18 U.S.C. 922(g)(5) (B) is not necessary. Please disregard the form.

{NOTE: the "new" form 7CR begin asked about is marked at the bottom "revised Nov 2004}

2/16/05

Q: Let's say I do not have a license, but my friend does. I own a C&R eligible weapon. I want to sell it in an online auction. Can I have my friend with his C&R license handle the transaction of selling it to another C&R licensee at the end of the auction? Do I have to sell it first to my friend so that it becomes part of his collection before he can dispose of it?

A: An unlicensed person may sell a firearm to an unlicensed resident of his or her state, if the buyer is not prohibited by law from receiving or possessing a firearm, or to a licensee in any state. A firearm other than a curio or relic may not be transferred interstate to a licensed collector. [18 U.S.C. 922(a)(3)and (5), 922(b)(3), 27 CFR 178.29]

Under the Gun Control Act (GCA) an unlicensed person may only buy a firearm within the person's own state, except that he or she may buy a rifle or shotgun, in person, at a licensee's premises in any state, provided the sale complies with state laws applicable in the state of sale and the state where the purchaser resides. [18 U.S.C. 922(a)(3) and (5), 922(b)(3), 27 CFR 178.29]

A person not licensed under the GCA and not prohibited from acquiring firearms may purchase a firearm from an out-of-state source and obtain the firearm if an arrangement is made with a licensed dealer in the purchaser's state of residence for the purchaser to obtain the firearm from the dealer. [18 U. S. C 922(a)(3) and (5), 922(b)(3), 27 CFR 178.29]

2/16/05

Q: ATF sent out an open letter this past week. In it there is a confusing statement about C&R handguns. It reads,

Under "Regulatory Obligations" in the letter regarding the sale of a C&R handgun::

"Provide written notification as specified in ATF I 5300.2, Youth Handgun Safety Act Notice, when delivery of a handgun is made to a non-licensee"

ATF I 5300.2 is a pamphlet. The only "written notification" mentioned is that if you want to sell/transfer to a junior person, that person has to have written permission from a parent/guardian. Is this the written notification that is mentioned in the letter? What has to be done with the notification? Is it also a requirement that the seller give the buyer a copy of ATF 5300.2 at the time of sale?

A: The requirement that written notification concerning juvenile handgun possession be given by licensees to a nonlicensee to whom a handgun is delivered applies to curio or relic handguns transferred by licensed collectors. However, the sign posting requirement does not apply to licensed collectors. In the case of collectors, a requirement to post signs at the licensed premises would serve no purpose because the premises is not a business premises open to the public and licensed collectors may lawfully dispose of curio or relic handguns away from their licensed premises. [18 U. S. C. 922(x), 27 CFR 178.103]

ATF I 5300.2 is the written notification that is required you can obtain free of cost at the ATF Distribution Center website: <http://www.atf.gov/dcof/index.htm>.

2/18/05

Q: Let's say BEFORE I get my C&R license, I own several firearms that are C&R eligible. Once I get my license, do I have to enter these firearms into my bound book, or is the bound book ONLY for procurements that I get using my license?

A: You should only use the bound book for curios/relics acquired and disposed of with the license.

Q: Recently, there was a change from old to new F7CR forms. If I still have the old F7CR form, may I still use it as long as I also include the additional and separate 18 USC 922 (g)(5)(B) Certification of Compliance form?

A: Yes, you can use the old form 7CR with the citizenship form.

Mail it to:

ATF
P.O. Box 409567
Atlanta, GA 30384-9567

3/30/05

Q: Does ATF automatically send out renewal requests when my C&R is about to expire? How soon before (1 month)? Is the renewal form the same as the standard F CR7 complete with CLEO copy? If I have not moved, the number on my license will be the same, except for the expiration part of it?

A: Renewals are automatically generated 3 months prior to the expiration date. They are sent to the mailing address on record. The form is different than the Form 7CR. Once renewed, the only change to the license should be the expiration code.

C&R technical questions:

1/9/05

Q: I realize that SPECIFIC questions on SPECIFIC rifles/handguns should be directed in writing to your Tech service people.

A: The Bureau of Alcohol, Tobacco, Firearms and Explosives cannot respond to e-mail inquiries relating to technical, policy and/or legal questions. Inquiries of this nature can only be addressed through a letter outlining your questions to the following address:

Bureau of Alcohol, Tobacco, Firearms and Explosives
Office of Public and Governmental Affairs
650 Massachusetts Avenue, NW.
Room 8290
Washington, DC 20226

You will receive a written response to your inquiry.

2/9/05

Q: How do I go about importing an eligible C&R rifle from like Canada or Europe? Who would I have to contact for the correct method of doing this?

A: Contact the ATF's Imports Branch at (202) 927-8320.

3/15/05

Q: Some dealers label a particular weapon as C&R approved or eligible, yet another dealer may have the same thing, but not say it's a C&R weapon. How does a dealer determine whether a weapon is C&R? Is it their choice to sell only to 01 FFL's?

A: As set out in the regulations (27 CFR 478.11), curios or relics include firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

- 1.) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof;
- 2.) Firearms which are certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest; and
- 3.) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less.

You are correct, a licensee can decide whether he only wants to deal in firearms with other dealers only.

5/24/04

Q: Is the Modelo 1916 Spanish Short rifle Mauser (also known as “Guardia Civil”) in 7.62 NATO, is this rifle considered a C&R rifle?

A: Any Spanish Model 1916 military rifles in original military configuration quality as curios or relics as that term is defined in Title 27, Code of Federal Regulations, part 178, section 178.11. This classification includes the FR7 and FR8 variations chambered for the 7.62 Cetme cartridge. These curios or relics may be transferred to federally licensed collections as provided in 18 U.S.C. Chapter 44 and 27 CFR part 478. They are still firearms as defined in 18 U.S.C. section 921(a)(3).

More to come.....

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