

INTRODUCTION

FEDERALLY LICENSED FIREARMS COLLECTORS

ATF is responsible for enforcing the provisions of the GCA and its subsequent amendments. A significant part of the GCA concerns the licensing and recordkeeping requirements pertaining to the manufacture, importation, distribution, and sale of firearms. A collector of Curios or Relics may obtain a collector's license under the GCA (see 18 U.S.C. Chapter 44 and the regulations issued thereunder in 27 CFR Part 478). The privileges conferred by this license extend only to transactions involving weapons classified as curio or relic firearms. In transactions involving firearms not classified as curios or relics, the licensed collector has the same status as a nonlicensee. A person need not be federally licensed to collect curios or relics. Generally, persons must be licensed in order to lawfully receive curios or relics from outside their State of residence.

The principal advantage of a Collector's License, therefore, is that a collector can acquire curios or relics in interstate commerce. Although a licensed collector may acquire and dispose of curios or relics at any location, dispositions to nonlicensees must generally be made to residents of the same State in which the collector is licensed. Further, **A LICENSED COLLECTOR IS NOT AUTHORIZED TO ENGAGE IN BUSINESS AS A DEALER IN ANY FIREARMS, INCLUDING CURIOS OR RELICS. A FEDERAL FIREARMS DEALER'S LICENSE IS REQUIRED FOR THIS ACTIVITY.** The term "engaged in business" as applied to a dealer in firearms refers, in part, to a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit. Therefore, any person intending to "engage in the business" of selling firearms, including firearms defined by ATF as Curios or Relics, must first obtain a dealer's license. For example, if a collector acquires curios or relics for the purpose of sale rather than to enhance a collection, the collector would have to be licensed as a dealer in firearms under the GCA. **The sole intent and purpose of the collector's license is to enable a firearms collector to obtain curio or relic firearms from outside his or her State of residence.**

In order to obtain a collector's license, applicants need to prepare and submit ATF Form 7CR, Application for License (Collector of Curios or Relics), with the appropriate fee, \$30 for 3 years, and in accordance with the instructions on the form. This form may be obtained from the Firearms and Explosives Licensing Center in Atlanta, Georgia, (404) 679-5040 or from your local ATF office.

WHAT ARE CURIOS OR RELICS?

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.

SELECTED REGULATIONS (27 C.F.R.) APPLICABLE TO LICENSED COLLECTORS

§ 478.11 **Meaning of terms. Collector:** Any person who acquires, holds, or disposes of firearms as curios or relics.

Collection premises: The premises described on the license of a collector as the location at which he maintains his collection of curios and relics. **Licensed collector:** A collector of curios and relics only and licensed under the provisions of this part. **Person:** Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

§ 478.23 Right of entry and examination. (a) [A]ny ATF officer, when there is reasonable cause to believe a violation of the Act has occurred and that evidence of the violation may be found on the premises of any licensed manufacturer, licensed importer, licensed dealer, or licensed collector, may, upon demonstrating such cause before a Federal magistrate and obtaining from the magistrate a warrant authorizing entry, enter during business hours (or, in the case of a licensed collector, the hours of operation) the premises, including places of storage, of any such licensee for the purpose of inspecting or examining:

- 1) Any records or documents required to be kept by such licensee under this part and
- 2) Any inventory of firearms or ammunition kept or stored by any licensed manufacturer, licensed importer, or licensed dealer at such premises or any firearms curios or relics or ammunition kept or stored by any licensed collector at such premises.

(c) Any ATF officer, without having reasonable cause to believe a violation of the Act has occurred or that evidence of the violation may be found and without demonstrating such cause before a Federal magistrate or obtaining from the magistrate a warrant authorizing entry, may enter during hours of operation the premises, including places of storage, of any licensed collector for the purpose of inspecting or examining the records, documents, firearms, and ammunition referred to in paragraph (a) of this section (1) for ensuring compliance with the recordkeeping requirements of this part not more than once during any 12-month period or (2) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation. At the election of the licensed collector, the annual inspection permitted by this paragraph shall be performed at the ATF office responsible for conducting such inspection in the closest proximity to the collector's premises.

(d) The inspections and examinations provided by this section do not authorize an ATF officer to seize any records or documents other than those records or documents constituting material evidence of a violation of law. If an ATF officer seizes such records or documents, copies shall be provided the licensee within a reasonable time.

§ 478.25a Responses to requests for information. Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by an ATF officer at the National Tracing Center for information contained in the records required to be kept by this part for determining the disposition of one or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally to the ATF officer within the 24-hour period. Verification of the identity and employment of National Tracing Center personnel requesting information may be established at the time the requested information is provided by telephoning the toll-free number 1-800-788-7133 or using the toll-free facsimile (FAX) number 1-800-578-7223.

§ 478.29 Out-of-State acquisition of firearms by nonlicensees. No person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, shall transport into or receive in the State where the person resides (or if a corporation or other business entity, where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State: **Provided,** That the provisions of this section:

- (a) Shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State,
- (b) Shall not apply to the transportation or receipt of a rifle or shotgun obtained from a licensed manufacturer, licensed importer, licensed dealer, or licensed collector in a State other than the transferee's State of residence in an over-the-counter transaction at the licensee's premises obtained in conformity with the provisions of § 478.96(c), and
- (c) Shall not apply to the transportation or receipt of a firearm obtained in conformity with the provisions of §§ 478.30 and 478.97.

§ 478.29a Acquisition of firearms by nonresidents. No person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State shall receive any firearms unless such receipt is for lawful sporting purposes.

§ 478.31 Delivery by common or contract carrier. (a) No person shall knowingly deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce to any person other

than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped:

Provided, That any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of that trip without violating any provision of this part.

(b) No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container indicating that such package, luggage, or other container contains a firearm.

(c) No common or contract carrier shall transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of any provision of this part:

Provided, however, That the provisions of this paragraph shall not apply in respect to the transportation of firearms or ammunition in in-bond shipment under Customs laws and regulation.

(d) No common or contract carrier shall knowingly deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of receipt from the recipient of the package or other container in which there is a firearm: **Provided,** That this paragraph shall not apply with respect to the return of a firearm to a passenger who places firearms in the carrier's custody for the duration of the trip.

§ 478.39a Reporting theft or loss of firearms. Each licensee shall report the theft or loss of a firearm from the licensee's inventory (including any firearm which has been transferred from the licensee's inventory to a personal collection and held as a personal firearm for at least 1 year), or from the collection of a licensed collector, within 48 hours after the theft or loss is discovered. Licensees shall report thefts or losses by telephoning 1-800-800-3855 (nationwide toll-free number) and by preparing ATF Form 3310.11, Federal Firearms Licensee Theft/Loss Report², in accordance with the instructions on the form. The original of the report shall be forwarded to the office specified thereon, and Copy 1 shall be retained by the licensee as part of the licensee's permanent records. Theft or loss of any firearm shall also be reported to the appropriate local authorities.

§ 478.41 General. (c) Each person seeking the privileges of a collector licensed under this part shall file an application, with the required fee (see § 478.42), with ATF in accordance with the instructions on the form (see § 478.44), and pursuant to § 478.47, receive from the Chief, National Licensing Center, the license covering the collection of curios and relics. A separate license may be obtained for each collection premises, and such license shall, subject to the provisions of the Act and other applicable provisions of law, entitle the licensee to transport, ship, receive, and acquire curios and relics in interstate or foreign commerce, and to make disposition of curios and relics in interstate or foreign commerce, to any other person licensed under provisions of this part, for the period stated on the license.

(d) The collector license provided by this part shall apply only to transactions related to a collector's activity in acquiring, holding, or disposing of curios and relics. A collector's license does not authorize the collector to engage in a business required to be licensed under the Act or this part. Therefore, if the acquisitions and dispositions of curios and relics by a collector bring the collector within the definition of a manufacturer, importer, or dealer under this part, he shall qualify as such.

§ 478.44 Original license. (b) Any person who desires to obtain a license as a collector under the Act and this part, or who has not timely submitted an application for renewal of the previous license issued under this part, shall file an application, ATF Form 7CR (Curios and Relics), with ATF in accordance with the instructions on the form. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 924. The application shall be accompanied by a completed ATF Form 5300.37 and ATF Form 5300.36 and shall include the appropriate fee

² ATF F 3310.11, Federal Firearms Licensee Theft/Loss Report, can be obtained from the ATF Distribution Center, (703) 455-7801.

in the form of a money order or check made payable to the Bureau of Alcohol, Tobacco, Firearms and Explosives. ATF Forms 7CR (Curios and Relics), ATF Forms 5300.37, and ATF Forms 5300.36 may be obtained by contacting any ATF office.

§ 478.47 Issuance of license. (a) Upon receipt of a properly executed application for a license on ATF Form 7, ATF Form 7CR, or ATF Form 8 Part II, the Chief, National Licensing Center, shall, upon finding through further inquiry or investigation, or otherwise, that the applicant is qualified, issue the appropriate license. Each license shall bear a serial number, and such number may be assigned to the licensee to whom issued for so long as the licensee maintains continuity of renewal in the same location (State).

(b) The Chief, National Licensing Center, shall approve a properly executed application for license on ATF Form 7, ATF Form 7CR, or ATF Form 8 Part II, if:

- (1) The applicant is 21 years of age or over;
- (2) The applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited under the provisions of the Act from shipping or transporting in interstate or foreign commerce, or possessing in or affecting commerce, any firearm or ammunition, or from receiving any firearm or ammunition which has been shipped or transported in interstate or foreign commerce;
- (3) The applicant has not willfully violated any of the provisions of the Act or this part;
- (4) The applicant has not willfully failed to disclose any material information required, or has not made any false statements as to any material fact, in connection with his application;
- (5) The applicant has in a State
 - i.) premises from which he conducts business subject to license under the Act or from which he intends to conduct such business within a reasonable period of time, or in the case of a collector, premises from which he conducts his collecting subject to license under the Act or from which he intends to conduct such collecting within a reasonable period of time; and
- (6) The applicant has filed an ATF Form 5300.37 (Certification of Compliance with State and Local Law) with ATF in accordance with the instructions on the form certifying under penalties of perjury that –
 - (i) The business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises are located;
 - (ii) Within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of business;
 - (iii) The business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and
 - (iv) The applicant has completed and sent or delivered ATF F 5300.36 (Notification of Intent to Apply for a Federal Firearms License) to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license. For purposes of this paragraph, the “chief law enforcement officer” is the chief of police, the sheriff, or an equivalent officer.

(c) The Chief, National Licensing Center, shall approve or the Director of Industry Operations shall deny an application for license within the 60-day period beginning on the date the properly executed application was received: **Provided,** That when an applicant for license renewal is a person who is, pursuant to the provisions of § 478.78, § 478.143, or § 478.144, conducting business or collecting activity under a previously issued license, action regarding the application will be held in abeyance pending the completion of the proceedings against applicant’s existing license or license application, final determination of the applicant’s criminal case, or final action by the Director on an application for relief submitted pursuant to § 478.144, as the case may be.

(d) When the Director of Industry Operations or the Chief, National Licensing Center, fails to act on an application for license within the 60-day period prescribed by paragraph (c) of this section, the applicant may file an action under section 1361 of title 28, United States Code, to compel ATF to act upon the application.

§ 478.49 **Duration of license.** The license entitles the person to whom issued to engage in the business or activity specified on the license, within the limitations of the Act and the regulations contained in this part, for a three year period, unless terminated sooner.

§ 478.50 **Locations covered by license.** 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 this part is conducted except:

- (a) No license is required to cover a separate warehouse used by the licensee solely for storage of firearms or ammunition if the records required by this part are maintained at the licensed premises served by such warehouse;
- (b) A licensed collector may acquire curios and relics at any location, and dispose of curios or relics to any licensee or to other persons who are residents of the State where the collector's license is held and the disposition is made.³
- (c) A licensee may conduct business at a gun show pursuant to the provision of § 478.100; or
- (d) A licensed importer, manufacturer, or dealer may engage in the business of dealing in curio or relic firearms with another licensee at any location pursuant to the provision of § 478.100.

§ 478.58 **State or other law.** A license issued under this part confers no right or privilege to conduct business or activity contrary to State or other law. The holder of such a license is not by reason of the rights and privileges granted by that license immune from punishment for operating a firearm or ammunition business or activity in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any State or other law affords no immunity under Federal law or regulations.

§ 478.91 **Posting of License.** Any license issued under this part shall be kept posted and kept available for inspection on the premises covered by the license.

§ 478.94 **Sales or deliveries between licensees.** A licensed importer, licensed manufacturer, or licensed dealer selling or otherwise disposing of firearms, and a licensed collector selling or otherwise disposing of curios or relics, to another licensee shall verify the identity and licensed status of the transferee prior to making the transaction. Verification shall be established by the transferee furnishing to the transferor a certified copy of the transferee's license and by such other means as the transferor deems necessary: **Provided,** That it shall not be required **(a)** for a transferee who has furnished a certified copy of its license to a transferor to again furnish such certified copy to that transferor during the term of the transferee's current license **(b)** for a licensee to furnish a certified copy of its license to another licensee if a firearm is being returned either directly or through another licensee to such licensee and **(c)** for licensees of multilicensed business organizations to furnish certified copies of their licenses to other licensed locations operated by such organization: **Provided further,** That a multilicensed business organization may furnish to a transferor, in lieu of a certified copy of each license, a list, certified to be true, correct, and complete, containing the name, address, license number, and the date of license expiration of each licensed location operated by such organization, and the transferor may sell or otherwise dispose of firearms as provided by this section to any licensee appearing on such list without requiring a certified copy of a license therefrom. A transferor licensee who has the certified information required by this section may sell or dispose of firearms to a licensee for not more than 45 days following the expiration date of the transferee's license.

§ 478.96 **Out-of-State and mail order sales. (c)(1)** A licensed importer, licensed manufacturer, or licensed dealer may sell or deliver a rifle or shotgun, and a licensed collector may sell or deliver a rifle or shotgun that is a curio or relic to a nonlicensed resident of a State other than the State in which the licensee's place of business is located if –

- (i) The purchaser meets with the licensee in person at the licensee's premises to accomplish the transfer, sale, and delivery of the rifle or shotgun;
- (ii) The licensed importer, licensed manufacturer, or licensed dealer complies with the provisions of § 478.102;

³ Exception to this provision is provided for in § 178.96(c)(1)(i) in which a licensed collector is specifically authorized to sell a curio or relic shotgun or rifle to a nonlicensed resident of another State as long as the transaction is consummated at the licensed collector's premises and the transaction is legal in both States.

- (iii) The purchaser furnishes to the licensed importer, licensed manufacturer, or licensed dealer the firearms transaction record, Form 4473, required by § 478.124; and
- (iv) The sale, delivery, and receipt of the rifle or shotgun fully comply with the legal conditions of sale in both such States.

§ 478.99 Certain prohibited sales or deliveries. (a) Interstate sales or deliveries. A licensed importer, licensed manufacturer, licensed dealer, or a licensed collector shall not sell or deliver any firearm to any person not licensed under this part and who the licensee knows or has reasonable cause to believe does not reside in (or if a corporation or other business entity does not maintain a place of business in) the State in which the licensee's place of business or activity is located. **Provided,** That the foregoing provisions of this paragraph **(1)** shall not apply to the sale or delivery of a rifle or shotgun (curio or relic, in the case of a licensed collector) to a resident of a State other than the State in which the licensee's place of business or collection premises is located if the requirements of § 478.96(c) are fully met, and **(2)** shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes. (See § 478.97)

(b) Sales or deliveries to underage persons. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall not sell or deliver **(1)** any firearm or ammunition to any individual who the importer, manufacturer, dealer, or collector knows or has reasonable cause to believe is less than 18 years of age, and, if the firearm, or ammunition, is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the importer, manufacturer, dealer, or collector knows or has reasonable cause to believe is less than 21 years of age, or **(2)** any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery, or other disposition, unless the importer, manufacturer, dealer, or collector knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance.

(c) Sales or deliveries to prohibited categories of persons. A licensed manufacturer, licensed importer, licensed dealer, or licensed collector shall not sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person:

- (1)** Is, except as provided by § 478.143, under indictment for, or, except as provided by § 478.144, has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;
- (2)** Is a fugitive from justice;
- (3)** Is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substance Act, 21 U. S. C. 802);
- (4)** Has been adjudicated as mentally defective or has been committed to any mental institution;
- (5)** Is an alien illegally or unlawfully in the United States; **Provided** That the provisions of this paragraph (c)(5) do not apply to any nonimmigrant alien if that alien is –
 - (i) Admitted to the United States for lawful hunting or sporting purpose or is in possession of a hunting license or permit lawfully issued in the United States;
 - (ii) An official representative of a foreign government who is either accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States or en route to or from another country to which that alien is accredited. This exception only applies if the firearm or ammunition is shipped, transported, possessed, or received in the representative's official capacity;
 - (iii) (iii) An official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State. This exception only applies if the firearm or ammunition is shipped, transported, possessed, or received in the official's or visitor's official capacity, except if the visitor is a private individual who does not have an official capacity; or
 - (iv) A foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business;
- (6)** Has been discharged from the Armed Forces under dishonorable conditions;
- (7)** Who, having been a citizen of the United States, has renounced citizenship;
- (8)** Is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that
 - (i) Was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

§ 478.126a **Reporting multiple sales or other disposition of pistols and revolvers.** Each licensee shall prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any 5 consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person: **Provided,** That a report need not be made where pistols or revolvers, or any combination thereof, are returned to the same person from whom they were received. The report shall be prepared on Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers⁶. Not later than the close of business on the day that the multiple sale or other disposition occurs, the licensee shall forward two copies of Form 3310.4 to the ATF office specified thereon and one copy to the State police or to the local law enforcement agency in which the sale or other disposition took place. Where the State or local law enforcement officials have notified the licensee that a particular official has been designated to receive Forms 3310.4, the licensee shall forward such forms to that designated official. The licensee shall retain one copy of Form 3310.4 and attach it to the firearms transaction record,⁷ Form 4473, executed upon delivery of the pistols or revolvers.

§ 478.129 **Record Retention (e) Records of dealers and collectors under the Act.** The records prepared by licensed dealers and licensed collectors under the Act of the sale or other disposition of firearms and the corresponding record of receipt of such firearms shall be retained through December 15, 1988, after which records of transactions over 20 years of age may be discarded.

§ 478.147 **Return of firearm.** A person not otherwise prohibited by Federal, State, or local law may ship a firearm to a licensed importer, licensed manufacturer, or licensed dealer for any lawful purpose, and, notwithstanding any other provision of this part, the licensed manufacturer, licensed importer, or licensed dealer may return in interstate or foreign commerce to that person the firearm or a replacement firearm of the same kind and type. (See § 478.124(a) for requirements of a Form 4473 prior to return.) A person not otherwise prohibited by Federal, State, or local law may ship a firearm curio or relic to a licensed collector for any lawful purpose, and, notwithstanding any other provision of this part, the licensed collector may return in interstate or foreign commerce to the person the firearm curio or relic.

CURIOS OR RELICS AND COLLECTOR'S ITEMS: DEFINITIONS AND DETERMINATIONS

27 CFR § 479.24 Destructive device determination. The Director shall determine, in accordance with 26 U.S.C. 5845(f), whether a device is excluded from the definition of a destructive device. A person who desires to obtain a determination under that provision of law for any device which he believes is not likely to be used as a weapon shall submit a written request, in triplicate, for a ruling thereon to the Director. Each such request shall be executed under the penalties of perjury and contain a complete and accurate description of the device, the name and address of the manufacturer or importer thereof, the purpose of and use for which it is intended, and such photographs, diagrams, or drawings as may be necessary to enable the Director to make his determination. The Director may require the submission to him of a sample of such device for examination and evaluation. If the submission of such device is impracticable, the person requesting the ruling shall so advise the Director and designate the place where the device will be available for examination and evaluation.

27 CFR § 479.25 Collector's items. The Director shall determine, in accordance with 26 U.S.C. 5845(a), whether a firearm or device, which although originally designed as a weapon, is by reason of the date of its manufacture, value, design, and other characteristics primarily a collector's item and is not likely to be used as a weapon. A person who desires to obtain a determination under that provision of law shall follow the procedures prescribed in 27 CFR § 479.24 relating to destructive device determinations, and shall include information as to date of manufacture, value, design and other characteristics which would sustain a finding that the firearm or device is primarily a collector's item and is not likely to be used as a weapon.

27 CFR § 478.26 Curio and relic determination. Any person who desires to obtain a determination whether a particular firearm is a curio or relic shall submit a written request, in duplicate, for a ruling thereon to the Director. Each such request shall be executed under the penalties of perjury and shall contain a complete and accurate description of the

⁶ ATF F 3310.4, Report of Multiple Sales or Other Disposition of Pistols and Revolvers, can be obtained from the ATF Distribution Center (703) 455-7801.

⁷ Licensed collectors are not required to execute ATF Form 4473 for transfers of curios or relic firearms.

firearm, and such photographs, diagrams, or drawings as may be necessary to enable the Director to make a determination. The Director may require the submission of the firearm for examination and evaluation. If the submission of the firearm is impractical, the person requesting the determination shall so advise the Director and designate the place where the firearm will be available for examination and evaluation.

COLLECTORS WANTING A DETERMINATION

Collectors desiring to obtain a determination as to whether a particular firearm qualifies for classification as a curio or relic in accordance with 27 CFR 478.11 and 478.26 or a collector's item in accordance with § 479.25 and § 479.24 should submit a written request for a ruling. The letter should include:

- 1) A complete physical description of the item;
- 2) Reasons the collector believes the item merits the classification; and
- 3) Data concerning the history of the item, including production figures, if available, and market value.

As stated in the regulations, submission of the firearm may be required prior to a determination being made. Please submit your request to:

Bureau of Alcohol, Tobacco, Firearms and Explosives
Firearms Technology Branch
244 Needy Road
Martinsburg, WV 25405

IMPORTATION RESTRICTIONS

Licensed collectors may lawfully import curio or relic firearms other than surplus military firearms, nonsporting firearms, and NFA weapons. [A surplus military firearm is defined as one that belonged to a regular or irregular military force at any time. Alteration of the firearm does not change its status. Therefore, a sporting firearm with a surplus military frame or receiver is a surplus military firearm, because a frame or receiver is classified as a firearm as described in 18 U.S.C. § 921(a)(3).] Surplus military firearms are generally prohibited from importation under 18 U.S.C. § 925(d)(3). However, 18 U.S.C. § 925(e) authorizes licensed importers (FFL type 08 or 11) to import surplus military rifles, shotguns, and handguns classified as curios or relics; provided that such handguns are generally recognized as particularly suitable for or readily adaptable to sporting purposes. Nonsporting handguns are those pistols and revolvers that do not meet size and safety prerequisites, or that do not accrue a qualifying score on ATF Form 4590, "Factoring Criteria for Weapons." Surplus military firearms classified as curios or relics must be in their original military configuration to qualify for importation.

NFA weapons are those "firearms" defined in § 5845(a) of the National Firearms Act (26 U.S.C. Chapter 53). These include machineguns, silencers, shotguns having a barrel less than 18 inches in length, rifles having a barrel less than 16 inches in length, smooth bore handguns, disguised weapons, certain firearms having a bore greater than one-half inch in diameter, destructive devices (e.g., bombs, grenades, and mines), and certain other firearms. A licensed collector may not import NFA firearms.

Firearms may only be imported pursuant to a Form 6 issued by ATF. Collectors having questions concerning the importability of specific curio or relic firearms should contact:

Bureau of Alcohol, Tobacco, Firearms and Explosives
Firearms and Explosives Imports Branch
244 Needy Road
Martinsburg, WV 25405
Telephone: (304) 616-4550
Facsimile: (304) 616-4551

THE FIREARMS CURIOS OR RELICS LIST

THIS LIST IS COMPOSED OF FOUR MAJOR SECTIONS:

SECTION I. Ammunition Classified as Curios or Relics: Ammunition is no longer classified as “curios or relics” since the Congress in 1986 removed the interstate controls over ammunition under the GCA. We have continued the listing of 1972-1986 ammunition determinations as a service to those who rely on this list as a means of evaluation.

SECTION II. Firearms Classified as Curios or Relics Under 18 U.S.C. Chapter 44: Licensed collectors may acquire, hold, or dispose of these firearms as curios or relics. However, they are still "firearms" as defined in 18 U.S.C. 921(a)(3) and are, therefore, subject to all Chapter 44 controls. Generally, this category includes commemorative firearms, pistols, revolvers, rifles, and shotguns.

SECTION III. Weapons Removed From the National Firearms Act as Collectors' Items and Classified as “Curios or Relics” Under 18 U.S.C. Chapter 44: Weapons in this section are excluded entirely from the provisions of the National Firearms Act (NFA), 26 U.S.C. Chapter 53. Thus, approval from ATF to transfer these weapons is not required. They need not be registered in the National Firearms Registration and Transfer Record, and there is no transfer tax liability. However, these weapons are still "firearms" under Chapter 44, and remain subject to regulation under Part 478. Licensed collectors may receive these weapons in both intrastate and interstate commerce, and may transfer them intrastate, to both licensees and nonlicensees, and interstate, to licensed collectors and other licensees. While transfer may be made interstate to another licensee, they cannot be shipped interstate to a nonlicensee.

NOTE: Certain antique firearms are discussed and listed in Section IIIA.

SECTION IV. National Firearms Act Weapons Classified as “Curios or Relics” Under 18 U.S.C. Chapter 44: These weapons (e.g., machineguns) are firearms within the scope of the National Firearms Act (NFA), 26 U.S.C. Chapter 53, and are subject to all NFA Act provisions. Accordingly, these weapons cannot be lawfully transferred or received unless they are registered in the National Firearms Registration and Transfer Record at Bureau Headquarters. Once the registration requirements have been met, transfer may be made either intrastate or interstate to licensed collectors on ATF Form 4, "Application For Tax Paid Transfer and Registration of a Firearm." In each instance, first the appropriate transfer tax must be paid; ATF may then approve the transfer application. The application to transfer must be accompanied by an individual transferee's fingerprints and photograph as prescribed on the form. The form also requires a law enforcement official's certification, which must be completed.

Unserviceable weapons are still subject to the provisions of the National Firearms Act, except that they may be transferred free of transfer tax on ATF Form 5, "Application For Tax Exempt Transfer and Registration of a Firearm." As defined in 18 U.S.C. 5845(h) a firearm is unserviceable if it “is incapable of discharging a shot ... [and] of being readily restored to a firing condition.” Questions concerning the lawfulness of transactions in these weapons should be directed to:

Bureau of Alcohol, Tobacco, Firearms and Explosives
National Firearms Act Branch
244 Needy Road
Martinsburg, WV 25405
Telephone: (304) 616-4500
Facsimile: (304) 616-4501

Questions concerning the criteria for rendering a specific weapon unserviceable should be directed to:

Bureau of Alcohol, Tobacco, Firearms and Explosives
Firearms Technology Branch
244 Needy Road
Martinsburg, WV 25405
Telephone: (304) 616-4468
Facsimile: (304) 616-4443

NOTE: THE FOLLOWING LIST OF CURIOS OR RELICS IS NOT ALL-INCLUSIVE.

Questions concerning classification of a particular firearm should be directed to:

Bureau of Alcohol, Tobacco, Firearms and Explosives
Firearms Technology Branch
244 Needy Road
Martinsburg, WV 25405
Telephone: (304) 616-4468
Facsimile: (304) 616-4443

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