

CHAPTER 13. REQUIRED REPORTS AND NOTIFICATIONS TO ATF

Section 13.1 Change of business address.

13.1.1 GCA requirements. Technically, a change in an FFL's/SOT's business address does not trigger an ATF "notification" or "reporting" requirement under the GCA. Rather, it requires the FFL to apply for and receive an amended license before business may be resumed at the new business location. GCA regulations require that an application for an amended license, ATF Form 5300.38, be filed not less than 30 days prior to the change with the Chief, Federal Firearms Licensing Center (FFLC).²⁰¹ The application must be accompanied by the FFL's original license. The FFLC may also require the applicant to submit an original license application on ATF Form 7, or may issue an amended license if the applicant is determined to be qualified to do business at the new location. The amended license is valid for the remainder of the term of the original license.

13.1.1.1 Application for amended license. Moving a licensed business to a new location requires careful planning. In completing the application for an amended license, the FFL will be asked if there are any restrictions, covenants, or zoning ordinances prohibiting the conduct of business at the new premises. The FFL must also attach to the application copies of any State license or permit required to conduct the business, as well as evidence of payment of any required State or local business tax. The FFL must also certify that notification has been given to the chief law enforcement officer (the sheriff, chief of police, or equivalent officer) at the new location that the FFL intends to file the application. If ATF determines that the firearms business may not be lawfully conducted at the new location, the application will be denied.

13.1.2 NFA requirements. If the FFL is qualified to do business in NFA firearms, the FFL may not lawfully conduct business in NFA firearms at the new location without the approval of the Chief, NFA Branch.²⁰² The regulations require the FFL/SOT to file Form 5630.7 with ATF, bearing the notation "Removal Registry" and showing the new address to be used. The FFL/SOT must also send the current special tax stamp to ATF, as well as a letter application requesting the amendment of the registration. Upon approval, the NFA Branch will return the special tax stamp, amended to show the new business location.

Section 13.2 Change in trade name

13.2.1 GCA requirements. GCA regulations provide that an FFL is not required to obtain a new license by reason of a mere change in trade name, provided the license is sent for endorsement of the change to the Chief, Federal Firearms Licensing Center within 30 days from the date the business starts using the new name.²⁰³

13.2.2 NFA requirements. An FFL/SOT may not continue business in these types of firearms under a new trade name without the approval of the Chief, NFA Branch.²⁰⁴ To obtain approval, the regulations

²⁰¹ 27 CFR 478.52

²⁰² 27 CFR 479.46

²⁰³ 27 CFR 478.53

²⁰⁴ 27 CFR 479.47

require the FFL/SOT to file ATF Form 5630.7 with ATF, bearing the notation “Amended” and showing the new trade name intended to be used. The FFL/SOT must also send the current NFA special tax stamp to ATF, as well as a letter application requesting amendment of the registration as a special (occupational) taxpayer. Upon approval, the NFA Branch will return the amended special tax stamp showing the new trade name.

Section 13.3 Change in control. A “change in control” is defined in GCA regulations as a change in the actual or legal control of a licensed corporation or association, directly or indirectly, whether by reason of a change in stock ownership, by operation of law, or in any other manner.²⁰⁵ The regulations require the FFL to give written notification of the change, executed under the penalties of perjury, to the Chief, Federal Firearms Licensing Center, within 30 days of the change. Upon expiration of the license, the regulations require the FFL to file an application for an original license on ATF Form 7. Here are some examples of a “change in control:”

- (1) In the case of a licensed corporation, an individual’s acquisition of 51% of the stock of the corporation.
- (2) Corporation A, an FFL, is acquired by Corporation B. That is, Corporation B purchased 100% of the stock of Corporation A. Corporation A continues to exist as a distinct legal entity after the acquisition and may continue to engage in its licensed firearms business.
- (3) The entire board of directors or slate of officers of a corporate FFL changes.

13.3.1 Changes in an FFL’s “responsible persons.” For a business entity such as a corporation, association, or partnership to qualify for a GCA license, it must not have any person responsible for the management or policies of the firearms business under Federal disabilities, for example, felons.²⁰⁶ Thus, the entity must list its “responsible persons” on the license application and provide ATF with the fingerprints and photographs of such responsible persons. ATF will conduct a background check of these persons prior to issuing a license. Although a change in responsible persons may not result in a “change in control” for the licensed entity, it is advisable that the FFL notify the Chief, Federal Firearms Licensing Center (FFLC) in writing of such a change and provide the FFLC with same identifying information as required for other responsible persons on the ATF Form 7, as well as the new responsible person’s photograph and fingerprints.

13.3.2 A “change in control” is distinguishable from the sale or transfer of a firearms business to another person or entity. Where an FFL sells or transfers the firearms business to a different person or entity, the FFL’s license is not transferable to the new person or entity.²⁰⁷ For example, if Corporation A purchases the assets of an FFL, Corporation B, and Corporation A intends to operate the new firearms business, Corporation A may not lawfully operate the business on Corporation B’s license. Rather, Corporation A must apply for and receive its own GCA license to lawfully carry on the business. The

²⁰⁵ 27 CFR 478.54

²⁰⁶ 18 U.S.C 923(d)(1)(B); 27 CFR 478.47

²⁰⁷ 27 CFR 478.51

NFA would also require Corporation A to pay the NFA special tax by filing ATF Form 5630.7, Special Tax Registration and Return.²⁰⁸

Section 13.4 Reporting firearms transaction information. Each licensee must, when required by letter issued by the ATF, submit on ATF Form 4483, Report of Firearms Transactions, for the periods and times specified in the letter, all record information called for by the letter.²⁰⁹ This includes the requirement for firearms manufacturers to annually report their firearms production on ATF Form 5300.11. Even if there has been no production, the annual report must be filed. See the instructions on the form for more specific information on the reporting requirement. Should a manufacturer's production fall within the following categories, the report would reflect "o" (zero) for firearms produced:

- (1) Firearms produced solely for the official use of the Armed Forces of the United States.
- (2) Firearms disposed of to another licensed firearms manufacturer for the purpose of final finishing and assembly
- (3) Destructive devices as defined in 18 U.S.C. 921(a)(4) and 26 U.S.C. 5845(f).
- (4) Antique firearms as defined in 18 U.S.C. 921(a)(16).
- (5) Firearms incorporating frames or receivers of foreign manufacture.
- (7) Firearms remanufactured or customized and previously in the possession of non-FFLs.

Section 13.5 Reporting thefts or losses of firearms

13.5.1 GCA requirements. Each FFL must report the theft or loss of a firearm from the FFL's inventory (including any firearm that has been transferred from the inventory to the FFL's 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.²¹⁰ Reports must be made by telephoning ATF at 1-888-930-9275 (nationwide toll free number) and by preparing ATF Form 3310.11, Federal Firearms Licensee Theft/Loss Report, in accordance with the instructions on the form. The original of the report must be forwarded to the ATF National Tracing Center at the address specified on the form, and a copy must be retained by the FFL in the FFL's permanent records for a period not less than 5 years.²¹¹ Theft or loss of any firearm must also be reported to appropriate local authorities.

13.5.2 NFA requirements. When any registered firearm is stolen or lost, the person losing possession must, immediately upon discovery of the theft or loss, make a written report to ATF, specifically the NFA Branch, showing the following: (1) name and address of the person in whose name the firearm is

²⁰⁸ 27 CFR 479.31

²⁰⁹ 18 U.S.C 923(g)(5)(A); 27 CFR 478.126

²¹⁰ 18 U.S.C. 923(g)(6); 27 CFR 478.39a

²¹¹ 27 CFR 478.129(c)

registered; (2) kind of firearm; (3) serial number; (4) model; (5) caliber; (6) manufacturer; (7) date and place of theft or loss; and (8) a complete statement of the facts and circumstances surrounding the theft or loss.²¹²

Section 13.6 Reporting theft or loss of NFA registration documents. When any Form 1, 2, 3, 4, 5, 6A, or 10 evidencing possession of a firearm is stolen, lost, or destroyed, the person losing possession must immediately upon discovery of the theft, loss, or destruction report the matter in writing to ATF, specifically the NFA Branch.²¹³ The report must show the circumstances of the theft, loss, or destruction and include all known facts which may serve to identify the document. Upon receipt of the report, ATF may conduct an investigation and issue a duplicate document.

Section 13.7 Reporting information in response to ATF trace requests. The Gun Control Act of 1968 (GCA) requires an FFL to respond immediately, and in no event later than 24 hours after the receipt of, to a request by an ATF officer at the National Tracing Center (NTC) for information contained in the FFL's required GCA records for determining the disposition of one or more firearms in the course of a bona fide criminal investigation. (See 18 U.S.C. 923(g)(7) and 27 CFR 478.25a). The requested information must be provided orally to the ATF officer within the 24-hour period. Verification of the identity and employment of NTC personnel requesting this information may be established by telephoning the toll-free number 1-800-788-7133 or using the toll-free FAX number 1-800-578-7223.

Section 13.8. Requesting permission to transport certain firearms in interstate or foreign commerce. A person, other than an FFL/SOT, may not lawfully transport in interstate or foreign commerce any destructive device, machinegun, short-barreled shotgun, or short-barreled rifle, without prior written approval of ATF, specifically the NFA Branch.²¹⁴ For definitions of these firearms and devices, refer to 27 CFR 478.11. Licensed collectors are not required to obtain such approval if the firearms and devices being transported are "curio or relic" firearms under the GCA. Approval for the transportation may be obtained by (1) a written request or (2) an approved application filed with ATF on Form 5320.20.

13.8.1 A written (letter) request. A written (letter) request must contain:

- (1) A complete description and identification of the device or firearm to be transported;
- (2) A statement whether the transportation involves a transfer of title;
- (3) The need for such transportation;
- (4) The approximate date the transportation is to take place;
- (5) The present location of the device or firearm and the place to which it is being transported.

²¹² 27 CFR 479.141

²¹³ 27 CFR 479.37, 479.142

²¹⁴ 18 U.S.C. 922(a)(4); 27 CFR 478.28

(6) The mode of transportation to be used (including, if by common or contract carrier, the name and address of the carrier); and

(7) Evidence that the transportation or possession of the device or firearm is not inconsistent with the laws at the place of destination.

13.8.2 Form 5320.20. As stated above, transportation of these firearms and devices may also be approved by completing and filing this form and obtaining ATF approval of the form.

13.8.3 One-year approval. If a person will be transporting his/her firearm(s) to the same location on a continual basis, ATF will approve a transportation request for up to 1 year. *Example:* the person lives in State A, has a farm in State B (State B allows possession of the particular firearm), and wants to take the firearm to the farm throughout the year. The person may request permission for a 1-year period to transport the firearm interstate to the farm. Any other interstate transportation would still require a separate request and approval. *Second example:* the person lives in State A and wants to transport his/her firearm to a site in State B where competitions and shoots occur several times a year (State B allows possession of the particular firearm). The person may request permission for a 1-year period to transport the firearm interstate to the site for competitions and shoots. Any other interstate transportation would still require a separate request and approval.