

## **27 CFR 178.124: FIREARMS TRANSACTION RECORD**

*Means of identification furnished by a nonlicensee purchasing a firearm.*

### **ATF Rul. 79-7**

**[Status of ruling: Superseded by ATF Rul. 2001-5]**

The Bureau of Alcohol, Tobacco and Firearms has been asked to state its position with regard to satisfactory identification of an unlicensed person intending to acquire a firearm from a licensee.

Sections 922(b)(1) and (3), Title 18, United States Code, make it unlawful for a licensee to sell or deliver a firearm to an unlicensed person where the licensee knows, or has reasonable cause to believe, that such person is less than the minimum age prescribed in the statute, or does not reside in the State in which the licensee's place of business is located, except as specifically provided in the law. Further, Section 922(b)(5) provides that it shall be unlawful for a licensee to sell or deliver a firearm to any person unless the licensee notes in his records the name, age, and place of residence of such person. Thus, the law places upon the licensee the responsibility for establishing the identity, place of residence, and age of an unlicensed person before selling or delivering a firearm to such person.

Under 27 CFR 178.124, a nonlicensee's eligibility to purchase a firearm is established through the use of Form 4473 (Firearms Transaction Record). The regulation provides that before a licensee may sell or deliver a firearm to a nonlicensee, the form must be completed showing the purchaser's name, address, date of birth, and other pertinent information. Further, the regulation and form require the purchaser to identify himself in any manner customarily used in commercial transactions (e.g., a driver's license) and the licensee must indicate the manner in which the purchaser was identified.

*Held*, satisfactory identification of a firearms purchaser must identify the purchaser's name, age or date of birth, place of residence, and signature. A driver's license or identification card issued by a State in lieu of a driver's license is particularly appropriate. Social Security cards, alien registration receipt cards, and military identification cards are not, in and of themselves, acceptable to identify potential firearms purchasers. The Social Security card is unsatisfactory because no address or date of birth is shown. While the alien registration card and military identification show name, age or date of birth, as well as other identifying information, the State of residence is not shown. While a particular document may not be sufficient to meet the statutory requirement for identifying the purchaser, any combination of documents which together disclose the required information concerning the purchaser is acceptable.