

27 CFR 178.121: GENERAL
(Also 178.147)

Recordkeeping requirements for Title I firearms from which parts are salvaged for use in repairing firearms are clarified.

ATF Rul. 76-25

[Status of ruling: Active]

The Bureau of Alcohol, Tobacco and Firearms has been asked to clarify the recordkeeping requirements for Title I firearms from which parts are salvaged for use in repairing firearms and the recordkeeping requirements for frames or receivers of firearms exchanged between customers and licensees.

Section 921(a)(3) of Title 18, United States Code, and the regulations at 27 CFR 178.11 define the term “firearm” to include any weapon which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive, and the frame or receiver of any such weapon.

The regulations in 27 CFR 178.122, 178.123 and 178.125 require each licensed importer, licensed manufacturer, and licensed dealer, respectively, to maintain such records of acquisition (including by manufacture) or disposition, whether temporary or permanent, of firearms as therein prescribed.

Held, a licensee who purchases a damaged firearm for the purpose of salvaging parts therefrom shall enter receipt of the firearm in his firearms acquisition and disposition record. If the frame or receiver of the firearm is damaged to the extent that it cannot be repaired, or if the licensee does not desire to repair the frame or receiver, he may destroy it and show the disposition of the firearm in his records as having been destroyed. Before a firearm may be considered destroyed, it must be cut, severed or mangled in such manner as to render the firearm completely inoperative and such that it cannot be restored to an operative condition.

Where the repair of a customer’s firearm results in an exchange of a frame or receiver, an entry shall be made in the licensee’s records to show the transfer of such replacement part, as it is a “firearm” as defined in 18 U.S.C. 921(a)(3). Further, as held in ATF Ruling 74-20, 1974 ATF C.B. 61, a Form 4473, Firearms Transaction Record, shall not be required to record the disposition of a replacement firearm of the same kind and type where the firearm is delivered by the licensee to the person from whom the malfunctioning or damaged firearm was received. The frame or receiver received from the customer shall be entered as an acquisition, and if destroyed, it shall be entered in the disposition record as destroyed.

With regard to National Firearms Act firearms as defined in 26 U.S.C. 5845(a), in addition to the above recordkeeping requirements, the registration and transfer procedures of 27 CFR Part 179 must be complied with.