

CHAPTER 10. COLLECTORS OF NFA FIREARMS

Section 10.1 Curios or relics

10.1.1 Definition of curio or relic. 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.¹⁷⁸ To be recognized as curios or relics firearms must fall within one of the following categories:

- Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof.
- 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.
- 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.

10.1.2 Curio or relic classification. A formal ATF classification of a firearm as a curio or relic is not required by the law or regulations, however, such official determination is recommended. By obtaining a curio or relic classification, a firearm is officially recognized as a curio or relic and the weapon is added to the ATF Firearms Curios or Relics List.¹⁷⁹ Firearms classified as curios or relics are still firearms as defined. A curio or relic classification may be obtained by submitting a written request, in duplicate, to ATF's Firearms Technology Branch (FTB).¹⁸⁰ The request must be executed under the penalties of perjury, contain a complete and accurate description of the firearm and documentation showing that the firearm fits within one of the qualifying categories listed in Section 10.1.1. FTB may require submission of the firearm for examination and evaluation. If submission of the firearm is impractical, the person requesting the determination must advise FTB and designate the place where the firearm will be available for examination and evaluation.

In the case of firearms that are more than 50 years old, ATF has determined that a collector need not request a classification for such weapons.¹⁸¹ Firearms 50 years or older automatically qualify as curios or relics.

A request for curio or relic determination should be submitted to:

¹⁷⁸ 27 CFR 478.11

¹⁷⁹ ATF P 5300.11

¹⁸⁰ 27 CFR 478.26

¹⁸¹ FFL Newsletter, Vol. 1, Issue 2

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

10.1.3 NFA firearms classified as curios or relics. NFA firearms may be classified as curios or relics under the same requirements discussed in Section 10.1.1. NFA firearms classified as curios or relics are still subject to the provisions of the NFA.

10.1.4 The Firearms Curios or Relics List (ATF P 5300.11). This publication contains a listing of those firearms that have been officially classified as curios or relics. The list contains the following sections:

1. Ammunition classified as curios or relics prior to the 1986 amendments of the GCA.
2. Firearms classified as curios or relics subject to the provisions of the GCA.
3. Weapons removed from the NFA as collector's items which are determined to be curios or relics subject to the provisions of the GCA.
4. Weapons removed from the NFA as collector's items which are antiques not subject to the provisions of the GCA.
5. NFA weapons classified as curios or relics subject to the provisions of the GCA and NFA.

The most recent edition of the Curios or Relics List is available on the ATF website www.ATF.gov. Periodic updates to the list are also available on the website.

10.1.5 DEWATS. Deactivated War Trophy (DEWAT) firearms are still firearms under the NFA, but have been rendered unserviceable (i.e., incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition). The deactivation may have been accomplished by various means such as (but not limited to) welding of the chamber, cutting the barrel/chamber/breech, plugging the barrel, welding the bolt to the chamber, or some combination of these actions which rendered the firearm incapable of firing a shot.

Regardless of being unserviceable, the DEWAT firearm must be registered and approved for transfer as any other NFA firearm. The process to transfer a DEWAT is set forth in §479.90. Because the DEWAT is unserviceable, it is transferred tax-exempt as a curio or ornament on an ATF Form 5. The Form 5 must identify the transferee and transferor, FFL/SOT, any importer, type, model, caliber, overall length, gauge, size, serial number or other marks of identification. Additionally, the transferor must check the block in item 1 of the Form 5 indicating the unserviceable status of the firearm and answer item 4(i) confirming how the firearm has been rendered unserviceable.

10.1.5.1 Reactivation of DEWATS. Deactivated War Trophy (DEWAT) firearms may be returned to a serviceable condition. A DEWAT that has been returned to a serviceable condition (or reactivated) is often referred to as Reactivated War Trophy (REWAT). The act of returning a DEWAT to a serviceable condition is considered the “making” or “manufacturing” of a firearm by ATF. The procedures for reactivation by a non-FFL or FFL with other than a manufacturer’s SOT status or with no SOT status on Form 1 are found in section 6.6 of the handbook. The procedures for reactivation by an FFL with SOT status as a manufacturer are found in section 7.3.3 of the handbook.

Curio or Relic status: When the DEWAT firearm being reactivated is a curio and relic (C&R), the C&R status is retained. Please see 27 CFR 478.11 for the definition of curios and relics.

Section 10.2 Licensed collector

10.2.1 Collector of curios or relics license. There is no requirement to have a Federal license for the purpose of collecting firearms. However, the GCA has a license category for collectors of curios or relics.¹⁸² The collector of curios or relics license serves one purpose - it enables the holder to receive curio or relic firearms interstate under the GCA. A collector’s license does not authorize the holder to engage in the business of dealing in firearms. If a collector wants to deal in curio or relic firearms, a dealer’s license must be obtained. In the case of dealing in NFA curio or relic firearms, the SOT must also be paid. Further, with respect to firearms other than curios or relics, a licensed collector is in the same position as a nonlicensee. That is, the licensed collector may not lawfully receive them in interstate commerce.

10.2.2 Receipt of NFA curios or relics by a licensed collector. A licensed collector may receive an NFA curio or relic firearm directly from any person in any State. Such receipt requires an approved Form 4 (or in the case of an unserviceable firearm, an approved Form 5) with law enforcement certification and fingerprint cards. If the NFA curio or relic firearm being transferred is not specifically listed on the Curios or Relics List, the applicant or transferee should submit documentation that the firearm in question has been classified as a curio or relic. Including this information can reduce delays in processing a transfer application.

10.2.3 Transfer of NFA curios or relics by a licensed collector. A licensed collector may transfer an NFA curio or relic firearm in interstate commerce only to a licensed collector, licensed dealer, licensed importer or licensed manufacturer. Such transfer requires an approved Form 4 (or in the case of an unserviceable firearm, an approved Form 5). If the transferee is not an SOT, the law enforcement certification and fingerprint cards are also required. A licensed collector may transfer an NFA curio or relic firearm directly to a nonlicensee who resides in the same State as the licensed collector. A transfer of this type requires an approved Form 4 or Form 5, a law enforcement certification, and fingerprint cards.

¹⁸² 18 U.S.C. 923(b)

Section 10.3 Recordkeeping requirements

10.3.1 Acquisition and disposition records. Licensed collectors must maintain a record of the acquisition and disposition of curio or relic firearms.¹⁸³ The regulations specify the format and information required to be maintained. Only firearms classified as curios or relics should be listed in the required records. A licensed collector is not required to execute a Form 4473, Firearms Transaction Record, or initiate a NICS background check when disposing of a curio or relic firearm.

10.3.2 Termination of a collector's license. A licensed collector who decides not to renew a collector's license is not required to surrender the acquisition and disposition records for curio or relic firearms to ATF.

¹⁸³ 27 CFR 478.125(f)