



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

www.atf.gov

JUN 30 2016

OPEN LETTER TO ALL CALIFORNIA FEDERAL FIREARM LICENSEES

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received an inquiry from the California Department of Justice regarding California driver licenses issued pursuant to The Safe and Responsible Driver Act, also known as California State Assembly Bill 60 (AB 60) and its applicability to Federal firearms laws. This open letter responds to that inquiry and provides guidance on the issue and to assist you, a Federal firearms licensee (FFL), in complying with Federal firearms laws and regulations. As of January 1st, 2015 California began issuing driver licenses, commonly referred to as an AB 60 license, to persons with a California residence who are unable to provide satisfactory proof that his or her presence in the United States is authorized under federal law. AB 60 driver licenses are identified by the statement "FEDERAL LIMITS APPLY" in bold on the front of the license and a notice on the back that states "This card is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits."

As you know, Federal law, 18 U.S.C. § 922(g)(5)(A), prohibits any person who is illegally or unlawfully in the United States from shipping, transporting, receiving or possessing firearms or ammunition. Further, Federal Law, 18 U.S.C. § 922(d)(5)(A), makes it unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or **having reasonable cause to believe** that such person is illegally or unlawfully in the United States. As provided by 27 C.F.R. § 478.11, an alien illegally or unlawfully in the United States means someone "who is not in a valid immigrant, nonimmigrant or parole status." An AB 60 driver license is only issued to a person who cannot provide proof of lawful presence in the United States;¹ given this fact, a FFL has a reasonable cause to believe a potential transferee in possession of an AB driver license is illegally or unlawfully in the United States and prohibited from receiving or possessing firearms or ammunition. As such, you may not transfer firearms or ammunition to the person, even if the person answered "no" to question 11.k. on ATF Form 4473.

¹ Pursuant to California Vehicle Code § 12801.9, a California driver's license may be issued if the applicant attests that he or she is both ineligible for a social security number and although unable to submit satisfactory proof that his or her presence in the United States is authorized under federal, is able to establish identity and proof of California residency.

ATF is committed to assisting you in complying with Federal firearms laws. If you have any questions, please contact ATF's Firearms Industry Programs Branch at (202)648-7190 OR FIPB@atf.gov.



Marvin G. Richardson
Assistant Director
Enforcement Programs and Services