

**27 CFR 178.124: FIREARMS TRANSACTION RECORD**  
(Also 178.125, 178.126a)

*Certain reporting and recordkeeping requirements of pawnbrokers are explained.*

**ATF Rul. 76-15**

**[Status of ruling: Active]**

The Bureau of Alcohol, Tobacco and Firearms has been asked to comment on the proper use of Form 4473, Firearms Transaction Record, the entering of information into the firearms acquisition and disposition record, and the reporting of multiple sales of pistols and revolvers by a pawnbroker.

Some confusion apparently exists among pawnbrokers as to whether Form 4473 should be executed at the time a firearm is accepted as a pledge by a pawnbroker and whether another Form 4473 should be executed at the time the firearm is redeemed by the pledgor. The question has also arisen whether a pawnbroker, upon receiving a firearm as a pledge, should enter such receipt into his permanent acquisition and disposition record. Furthermore, some pawnbrokers are unsure whether the provisions of section 178.126a relating to reporting multiple sales or other dispositions of pistols and revolvers apply in connection with the redemption or sale of pawned firearms.

18 U.S.C. 923(g) provides in part that each licensee shall maintain such records of shipment, receipt, sale, or other disposition of firearms and ammunition in such manner as the Secretary may by regulation prescribe. 18 U.S.C. 922(b)(5) provides that it shall be unlawful for any firearms licensee to sell or deliver any firearm or ammunition to any person unless the licensee notes in his records the name, age, and place of residence of such person. 27 CFR 178.124(a) provides in part that a licensed dealer shall not sell or otherwise dispose of, temporarily or permanently, any firearm to any person, other than another licensee, unless he records the transaction on a firearms transaction record, Form 4473. Pursuant to 27 CFR 178.125(e), each licensed dealer is required to enter into a permanent record each receipt and disposition of firearms. The regulations in 27 CFR 178.126a provide that each licensee shall report multiple sales or other disposition of pistols and revolvers whenever he disposes of, at one time or during any five consecutive business days, two or more pistols or revolvers or any combination of such weapons totaling two or more to any unlicensed person.

The regulations do not require that a pawnbroker execute Form 4473 when a firearm is pledged for a loan. However, he must record the receipt thereof in his permanent acquisition and disposition record as required by 27 CFR 178.125(e). At the time a firearm is redeemed by a nonlicensee pledgor, Form 4473 must be executed and the appropriate entry made in the permanent acquisition and disposition record. Although a redemption is not considered a sale, it is a disposition for purposes of 27 CFR 178.124(a), 178.125(e), and 178.126a. See *Huddleston v. United States*, 415 U.S. 814 (1974), Ct. D. 1, ATF C.B. 1974, 115.

*Held*, Form 4473, Firearms Transaction Record, need not be executed when a pawnbroker accepts a firearm as a pledge for a loan. However, if a nonlicensee pledgor redeems the firearm or if disposition of the firearm is made to any other nonlicensee, Form 4473 must be executed. *Held further*, pawnbrokers must enter into their permanent acquisition and disposition record the receipt of a firearm as a pledge for a loan and any disposition, including redemption, of such firearm. *Held further*, pawnbrokers must submit reports of multiple sales and other dispositions of pistols and revolvers as required by 27 CFR 178.126a.