



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Director

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18 U.S.C. 922(k): REMOVED, OBLITERATED, OR ALTERED SERIAL NUMBER
18 U.S.C. 923(i): IDENTIFICATION OF FIREARMS
26 U.S.C. 5842: IDENTIFICATION OF FIREARMS
26 U.S.C. 5861(h): OBLITERATED, REMOVED, CHANGED, OR ALTERED SERIAL NUMBER
27 CFR 478.92(a)(1): IDENTIFICATION OF FIREARMS
27 CFR 478.92(a)(4)(i): ALTERNATE MEANS OF IDENTIFICATION
27 CFR 478.112(d): IMPORTATION BY A LICENSED IMPORTER
27 CFR 479.102(a): IDENTIFICATION OF FIREARMS
27 CFR 479.102(c): ALTERNATE MEANS OF IDENTIFICATION

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) authorizes licensed manufacturers and licensed importers of firearms, and makers of National Firearms Act (NFA) firearms, to adopt the serial number, caliber/gauge, and/or model already identified on a firearm without seeking a marking variance, provided all of the conditions in this ruling are met. Licensed manufacturers seeking to adopt all of the required markings, including the original manufacturer's name and place of origin, must receive an approved variance from ATF. ATF Ruling 75-28 is superseded, and ATF Industry Circular 77-20 is clarified.

ATF Rul. 2013-3

ATF has received numerous inquiries from manufacturers and importers of firearms, and makers of NFA firearms (makers), asking if they can adopt the existing markings that were placed on a firearm by the original manufacturer. They ask specifically if they may use the existing serial number, caliber/gauge, and model already placed on a firearm instead of marking this information on the firearm when they further manufacture or import the firearm.

Some firearm manufacturers and importers acquire receivers and assemble them into completed firearms for the purpose of sale or distribution. Others, including makers, acquire complete firearms and further manufacture them (*e.g.*, re-barreling or machining the frame or receiver to accept new parts). In either case, the firearm is already marked with a serial number, original manufacturer's name, model (if designated), caliber or gauge (if known), and place of origin. Many manufacturers, importers, and makers assert that marking firearms with their own serial numbers, calibers/gauges, and models, in addition

to the existing markings, is costly and burdensome. They also contend that multiple markings are confusing for recordkeeping and tracing purposes.

The Gun Control Act of 1968 at Title 18 United States Code (U.S.C.) 923(i) provides, in part, that licensed manufacturers and licensed importers must identify each firearm manufactured or imported by a serial number in the manner prescribed by regulation. The NFA at 26 U.S.C. 5842 provides, in relevant part, that manufacturers, importers, and anyone making a firearm shall identify each firearm manufactured, imported, or made by a serial number, the name of the manufacturer, importer, or maker, and such other identification prescribed by regulation. Title 27 Code of Federal Regulations (CFR) 478.92(a)(1) and 479.102(a) further require the licensed manufacturer, licensed importer, or maker of a firearm to legibly identify each firearm manufactured, imported, or made by engraving, casting, stamping (impressing), or otherwise conspicuously placing the individual serial number on the frame or receiver, and certain additional information - the model (if designated), caliber/gauge, manufacturer/importer's name, and place of origin - on the frame, receiver, or barrel. Both regulations require the serial number to be at a minimum depth and print size, and the additional information to be at a minimum depth. Further, the serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and not duplicate any serial number placed by the licensed manufacturer, licensed importer, or maker on any other firearm. Under 18 U.S.C. 922(k) and 26 U.S.C. 5861(g), it is unlawful for any person to possess or receive any firearm which has had the serial number removed, obliterated, or altered.

Under 27 CFR 478.112(d), licensed importers must place all required identification data on each firearm imported, and record that information in the required records within fifteen days of the date of release from Customs custody. As explained in ATF Ruling 2012-1 (approved January 12, 2012), it is reasonable for licensed manufacturers to have seven days following the date of completion (to include a firearm in knockdown condition, or a frame or receiver to be sold, shipped, or disposed of separately) in which to mark a firearm manufactured, and record its identifying information in the manufacturer's permanent records.

Licensed manufacturers, licensed importers, and makers may seek approval from ATF to use an alternate means of identification of firearms (marking variance). The regulations at 27 CFR 478.92(a)(4)(i) and 479.102(c) provide that the Director of ATF may authorize other means of identification upon receipt of a letter application showing that such other identification is reasonable and will not hinder the effective administration of 27 CFR Parts 478 and 479.

ATF finds, under the conditions set forth in this ruling, that allowing licensed manufacturers and licensed importers of firearms, and makers to adopt the serial number, caliber/gauge, and/or model already marked on the firearm is reasonable and will not hinder the effective administration of the regulations. Multiple serial numbers are

confusing to licensees and law enforcement, and potentially hinder effective tracing of firearms. Licensees use the markings to effectively maintain their firearms inventories and required records. Law enforcement officers use the markings to trace specific firearms involved in crimes from the manufacturer, importer, or maker to individual purchasers. The markings also identify particular firearms that have been lost or stolen and help prove in certain criminal prosecutions that firearms used in a crime have travelled in interstate or foreign commerce.

Often there is little space available on a pistol frame to mark the additional information, and the pistol barrel is enclosed by a slide. Thus, it is reasonable to allow licensed manufacturers and licensed importers to mark the slide with the additional information required by the regulations. Therefore, ATF also finds that marking the additional information (*i.e.*, make, model, caliber/gauge, manufacturer/importer's name, and place of origin) on the slide of a pistol is reasonable and will not hinder the effective administration of the regulations.

Held, pursuant to 27 CFR 478.92(a)(4)(i) and 479.102(c), ATF authorizes licensed manufacturers and licensed importers of firearms, and makers, to adopt the serial number, caliber/gauge, and/or model already identified on a firearm without seeking a marking variance, *provided* all of the following conditions are met:

1. The manufacturer, importer, or maker must legibly and conspicuously place on the frame, receiver, barrel, or pistol slide (if applicable) his/her own name (or recognized abbreviation) and location (city and State, or recognized abbreviation of the State) as specified under his/her Federal firearms license (if a licensee);
2. The serial number adopted must have been marked in accordance with 27 CFR 478.92 and 479.102, including that it must not duplicate any serial number adopted or placed by the manufacturer, importer, or maker on any other firearm;
3. The manufacturer, importer, or maker must not remove, obliterate, or alter the importer's or manufacturer's serial number to be adopted, except that, within 15 days of the date of release from Customs custody, a licensed importer must add letters, numbers, or a hyphen (as described in paragraph 4) to a *foreign* manufacturer's serial number if the importer receives two or more firearms with the same serial number;
4. The serial number adopted must be comprised of only a combination of Roman letters and Arabic numerals, or solely Arabic numerals, and can include a hyphen, that were conspicuously placed on the firearm; and
5. If the caliber or gauge was not identified or designated (*e.g.*, marked "multi") on the firearm, the manufacturer, importer, or maker must legibly and conspicuously

mark the frame, receiver, barrel, or pistol slide (if applicable) with the actual caliber/gauge once the caliber or gauge is known.

Held further, licensed manufacturers seeking to adopt all of the required markings, including the original manufacturer's name and place of origin, must receive an approved variance from ATF.

All prior rulings regarding the adoption of markings on firearms, including ATF Ruling 75-28 (ATF C.B. 1975, 59), are hereby superseded. ATF Industry Circular 77-20 is hereby clarified.

Date approved: July 10, 2013

B. Todd Jones
Acting Director