



Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

Washington, DC 20226

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Repair of NFA Firearms

The National Firearms Act (NFA) Branch has received numerous questions concerning the repair of NFA firearms.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) does not consider the temporary conveyance of an NFA firearm to a gunsmith for repair to be a "transfer" under the terms of the NFA. Thus, an ATF Form 5 application is not required.

Please be aware that other dispositions, such as demonstration or sale, are transfers as defined in the NFA and must be covered by an approved application to transfer and register. Transfers without approval are violations of Federal law. Any firearm involved is subject to seizure and forfeiture and the parties to the transfer are subject to criminal penalties of up to 10 years imprisonment.

In order to avoid any appearance that a transfer has taken place, ATF strongly recommends that a Form 5 application be submitted for approval prior to conveying the firearm for repair. ATF believes this will provide protection to the parties involved as it will document the repair of the firearm and help ensure that a "transfer" did not take place. In addition, an approved Form 5 will assist Federal firearms licensees in establishing that their possession of the firearm is lawful. However, if no Form 5 application is used, ATF recommends that both parties document what type of repair is being performed. This may be done via work or repair order or other similar documentation.

Accordingly, Item I5 in the "Questions and Answers" section of ATF Federal Firearms Regulations Reference Guide 2005 (9/05), suggests that the owner obtain permission for the "transfer" of the NFA firearm by submitting a Form 5 application and that the gunsmith do the same for the return of the firearm.

Federal firearms licensees must record the acquisition and disposition of the firearm as required by Part 479, Title 27, Code of Federal Regulations.