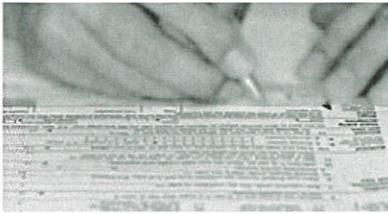


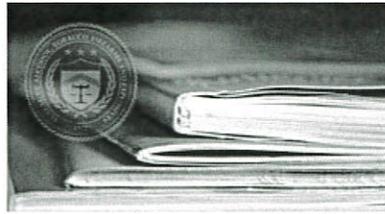
ATF's Library is the central repository where people can locate forms, publications and other laws, regulations, and rulings.

### Forms



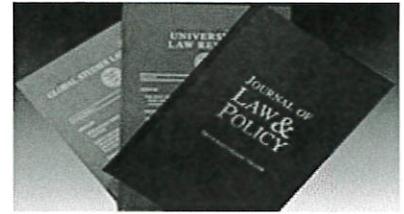
- Order Forms
- Firearms Forms
- Explosives Forms
- Alcohol & Tobacco Forms
- Administrative Forms
- Federal Register Notices & Information Collection
- Training

### Publications



- Newsletters
- Open Letters
  - Firearms
  - Explosives
  - Arson
  - Alcohol and Tobacco
- Circulars & Bulletins
- Delegation Orders
- Firearms
- Arson & Explosives
- Information Documents
- Laboratories
- Historical
- General

### Laws, Regulations & Rulings



- Rulings & Procedures
- Codified Regulations
- Regulatory Documents & Notices
- Unified Agenda
- Laws

## Firearms FAQs

ATF receives numerous telephone and electronic inquiries on a daily basis. In an effort to provide individuals with the most up-to-date information, ATF has compiled a list of the most frequently asked questions and provided answers to those questions.

### Conduct of Business

#### **May a same-sex spouse of a deceased licensee (including a Special (Occupational) Taxpayer) carry on the licensed firearms explosives) business for the remainder of the term of the license?**

Yes. ATF interprets the term "spouse" in 27 CFR 478.56 and 479.42 (as well as 555.59), to mean a same-sex or opposite sex spouse whose marriage is valid in the jurisdiction in which it was performed. A surviving spouse of a deceased licensee may carry on the licensed firearms or explosive business for the remainder of the term of the license as long as the state in which the real or personal property associated with the license is located, including the licensed business premises, recognizes the spouse as an individual with a legal right to the property of the licensed business. ATF regulations do not address the devolution of real or personal property. As provided by regulation, the successor must also furnish the license for that business to ATF for endorsement within 30 days from the date on which the successor begins to carry on the business.

#### **Where can I obtain the Form 3310.12?**

Licensed dealers and pawnbrokers in Arizona, California, New Mexico and Texas received one copy of the ATF Form 3310.12 from ATF via the United States Postal Service. Upon initial receipt, those licensees should immediately photocopy the form and make additional copies as needed. In addition, ATF encourages licensees to access the fillable form through our website at <https://www.atf.gov/files/forms/download/atf-f-3310-12.pdf>. The fillable form allows licensees to enter the information and print the completed form and report the multiple sales via e-mail to [multiplesaleforms@atf.gov](mailto:multiplesaleforms@atf.gov). The Form 3310.12 may also be obtained through the ATF Distribution Center, 13882 Redskin Drive, Herndon, VA 20171, (703) 870-7526 or (703) 870-7528, or online at <http://www.atf.gov/content/distribution-center-operations>. Please note that in response to your order, the ATF Distribution Center will issue a quantity of five Forms to those affected licensees.

#### **How should I retain the Form 3310.12 as part of my ATF records?**

ATF encourages that licensed dealers and pawnbrokers retain one copy of the Form 3310.12 and attach it to the Firearms Transaction Record, Form 4473, effective upon delivery of the rifles.

#### **Do licensed dealers and pawnbrokers need to provide a copy of the ATF Form 3310.12 to their designated state or local law enforcement agencies?**

No, licensed dealers and pawnbrokers are not required to submit the Form 3310.12 to their designated state or local law enforcement agencies.

#### **Where do you submit the Form 3310.12?**

The ATF Form 3310.12 must be submitted to the National Tracing Center no later than the close of business on the day the multiple sale or other disposition takes place. The Form may be emailed to [multiplesaleforms@atf.gov](mailto:multiplesaleforms@atf.gov), faxed to (877) 283-0288, or mailed to the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, National Tracing Center, P.O. Box 0279, Kearneysville, WV 25430-0279.

#### **When do you submit the ATF Form 3310.12 (Form), Report of Multiple Sales or Other Disposition of Certain Rifles?**

The Form must be submitted whenever a licensed dealer or pawnbroker sells or otherwise disposes of, at one time or during any five consecutive business days, five or more semiautomatic rifles capable of accepting a detachable magazine, and with a caliber greater than .22 (including .223/5.56 caliber) to an unlicensed person. The Form must be filed with ATF **no later than the close of business on the day the multiple sale or other disposition took place.**

#### **Is the reporting of multiple sales applicable to transfers made to law enforcement officers?**

Yes, multiple sales to law enforcement officers must be reported to ATF.

#### **Is Form 3310.12 required for pawn redemptions, return of repaired rifles or the return of consignment rifles?**

No, the Form 3310.12 is not required for the return of multiple rifles to the same person from whom they were received—such as the return of multiple rifles pawned, or repaired rifles.

#### **When does the reporting begin?**

The reporting requirement is effective for all such sales that occur on or after August 14, 2011. Please note that reporting multiple sales for the specified rifles continues until ATF provides written notice to stop.

#### **Licensed dealers in the four southwest border states subject to the multiple sales reporting requirement for certain rifles, have received a letter notifying they are subject to the reporting requirement. Are they still required to submit the reports?**

## Manufacturers

1. Must a person who engages in the business of manufacturing and importing firearms have a separate license to cover each type of business?
2. May a person licensed as a manufacturer of ammunition also manufacture firearms?
3. May a person licensed as a manufacturer of firearms also manufacture ammunition?
4. Is a person who reloads ammunition required to be licensed as a manufacturer?
5. Must a licensed manufacturer pay excise taxes?
6. May a person engage in gunsmithing under a dealer's license (type 01), or do gunsmiths need to be licensed as "manufacturers" of firearms?

### **Q: Must a person who engages in the business of manufacturing and importing firearms have a separate license to cover each type of business?**

*Yes. A separate license is required to cover each of these types of businesses.*

*[27 CFR 478.41]*

### **Q: May a person licensed as a manufacturer of ammunition also manufacture firearms?**

*No. A person licensed as a manufacturer of ammunition may not manufacture firearms unless he or she obtains a license as a firearms manufacturer.*

### **Q: May a person licensed as a manufacturer of firearms also manufacture ammunition?**

*Yes. The person may also manufacture ammunition (not including destructive device ammunition or armor piercing ammunition) without obtaining a separate license as a manufacturer of ammunition.*

### **Q: Is a person who reloads ammunition required to be licensed as a manufacturer?**

*Yes, if the person engages in the business of selling or distributing reloads for the purpose of livelihood and profit. No, if the person reloads only for personal use.*

*[18 U.S.C. 922(a) (i) and 923(a), 27 CFR 478.41]*

### **Q: Must a licensed manufacturer pay excise taxes?**

*Yes. Licensed manufacturers incur excise tax on the sale of firearms and ammunition manufactured. See Item 17, "Federal Excise Tax" in the General Information section of this publication.*

### **Q: May a person engage in gunsmithing under a dealer's license (type 01), or do gunsmiths need to be licensed as "manufacturers" of firearms?**

*Generally, a person engaged in gunsmithing requires only a dealer's license (type 01). There are circumstances in which a gunsmith might require a manufacturing license. Generally, a person should obtain a license as a manufacturer of firearms if the person is: 1. performing operations which create firearms or alter firearms (in the case of alterations, the work is not being performed at the request of customers, rather the person who is altering the firearms is purchasing them, making the changes, and then reselling them), 2. is performing the operations as a regular course of business or trade, and 3. is performing the operations for the purpose of sale or distribution of the firearms.*

*Below are examples of operations performed on firearms and guidance as to whether or not such operations would be considered manufacturing under the Gun Control Act (GCA). These examples do not address the question of whether the operations are considered manufacturing for purposes of determining excise tax. Any questions concerning the payment of excise tax should be directed to the Alcohol and Tobacco Tax and Trade Bureau, U.S. Department of the Treasury.*

1. A company produces a quantity of firearm frames or receivers for sale to customers who will assemble firearms.

*The company is engaged in the business of manufacturing firearms and should be licensed as a manufacturer of firearms.*

2. A company produces frames or receivers for another company that assembles and sells the firearms.

*Both companies are engaged in the business of manufacturing firearms and each should be licensed as a manufacturer of firearms.*

3. A company provides frames to a subcontractor company that performs machining operations on the frames and returns the frames to the original company which assembles and sells the completed firearms.

*Both companies are engaged in the business of manufacturing firearms and should be licensed as manufacturers of firearms.*

4. A company produces barrels for firearms and sells the barrels to another company that assembles and sells complete firearms.

*Because barrels are not firearms, the company that manufactures the barrels is not a manufacturer of firearms. The company that assembles and sells the firearms should be licensed as a manufacturer of firearms.*

5. *A company receives firearm frames from individual customers, attaches stocks and barrels and returns the firearms to the customers for the customers' personal use.*  
*The operations performed on the firearms were not for the purpose of sale or distribution. The company should be licensed as a dealer or gunsmith, not as a manufacturer of firearms.*
6. *A company acquires one receiver, assembles one firearm, and sells the firearm.*  
*The company is not manufacturing firearms as a regular course of trade or business and is not engaged in the business of manufacturing firearms. This company does not need to be licensed as a manufacturer.*
7. *An individual acquires frames or receivers and assembles firearms for his personal use, not for sale or distribution.*  
*The individual is not manufacturing firearms for sale or distribution and is not required to be a licensed manufacturer.*
8. *A gunsmith regularly buys military type firearms, Mausers etc., and âsporterizesâ them for resale.*  
*The gunsmith is in the business of manufacturing firearms and should be licensed as a manufacturer.*
9. *A gunsmith buys semiautomatic pistols or revolvers and modifies the slides to accept new Style f sights. The sights are not usually sold with these firearms and do not attach to the existing mounting openings.*  
*The gunsmith offers these firearms for sale. This would be considered the manufacturing of firearms and the gunsmith should be licensed as a manufacturer.*
10. *A gunsmith buys government model pistols and installs âdrop-inâ precision trigger parts or other âdrop-in partsâ for the purpose of resale.*  
*This would be considered the manufacturing of firearms, as the gunsmith is purchasing the firearms, modifying the firearms and selling them. The gunsmith should be licensed as a manufacturer.*
11. *A gunsmith buys surplus military rifles, bends the bolts to accept a scope, and then drills the receivers for a scope base. The gunsmith offers these firearms for sale.*  
*This would be considered the manufacturing of firearms and the gunsmith should be licensed as a manufacturer.*
12. *A gunsmith buys surplus military rifles or pistols and removes the stocks, adds new stocks or pistol grips, cleans the firearms, then sends the firearms to a separate contractor for bluing. These firearms are then sold to the public.*  
*This would be considered manufacturing of firearms and the gunsmith should be licensed as a manufacturer.*
13. *A company purchases surplus firearms, cleans the firearms then offers them for sale to the public.*  
*The company does not need to be licensed as a manufacturer.*