

Keys to FFL Compliance

These Keys to Compliance are not legal advice and in many cases go beyond minimum ATF requirements.

Proper use of these Keys may decrease the likelihood of an ATF violation. As laws change, it may be necessary to obtain updated Keys through the FFL Protection Plan.

4473 Keys

- Utilize an electronic 4473 program
 - Electronic 4473s (e4473) generally aid in avoiding potential sources for ATF citation (e.g., missing fields)
 - Many electronic A&D Book software options include an e4473; ATF's website also has a free e4473
 - Unless the FFL has a variance, electronically completed 4473s must be printed in full (including instructions) and saved in hard copy
- Study the 4473 Deep Dive; it contains dozens of tips to avoid issues for which FFLs are frequently cited
- Multiple Sales Requirements
 - All FFLs are required to complete ATF F.3310.4 if the unlicensed transferee is obtaining 2 or more handguns in a single transaction or in separate transactions within 5 days of each other
 - FFLs in AZ, CA, NM, & TX are required to complete ATF F. 3310.12 if the unlicensed transferee is obtaining 2 or more semiautomatic rifles larger than .22 caliber (incl. .223/5.56) & which have the capability to accept a detachable magazine in a single transaction or in separate transactions within 5 days of each other
 - FFLs should check their previous 5 days of dispositions to ensure the transferee has not purchased 1 or more handguns within the time frame (FFLs in AZ, CA, NM, & TX should do the same for qualifying rifles); select electronic A&D Book programs will do this for the FFL
 - If the transaction involves a multiple sale of a handgun or applicable rifle in the border states, the appropriate form must be completed & filed with ATF by the close of business on the day in which the transfer occurred (the handgun form must also be filed with the FFL's CLEO)
- Drive employee accountability for completing Forms 4473: have the employee completing the transfer record their name in Box 27g
 - It's advisable a 2nd employee review the 4473 prior to every transfer and record their name in Box 32
- FFLs may only transfer a rifle or shotgun to nonresidents on premises & only if the transfer complies with the requirements of the FFL's state & the transferee's state, including; any permit/license requirement, & the firearm is lawful in both states (e.g., no "assault weapon ban" or "firearms roster" in transferee's state)
- Multi-State Residents – Transferees with multiple states of residence must provide alternative ID document if obtaining handgun in the State of residence that did not issue their photo ID; record in Box 26b
- Law Enforcement Officer (LEO) Purchases – No 4473 or NICS check is required if the LEO provides document on agency letterhead signed by a person of authority stating the LEO will use the firearm in the course of duty & the officer has not been convicted of a misdemeanor crime of domestic violence

4473 Keys

- Carefully review Section B of 4473 to ensure transferee completed all required fields – only limited fields may be omitted, such as:
 - One of the fields in Box 11
 - Box 16, SSN
 - Box 17, UPIN
 - Box 21a IF picking up firearm from repair for another person
 - Box 20 if not an alien
 - **If the transferee is obtaining the firearms on a different day than which they signed Section B, they must recertify and complete Section D
- No NICS check is required when transferring an NFA item only if no other firearms are listed on the 4473 than those on approved Forms 4; check Box 28
- Certain licenses/permits qualify for exemption from the NICS Background check; review the Permanent Brady Permit Chart on ATF's website & record below – if applicable, check Box 29
- Corrections to 4473 may only be made by the person with responsibility for completing the applicable section (e.g., transferee for Sections B, D)
 - *During the transaction* – Errors may be corrected by placing a single line through the entry, initialing & dating the strikethrough, then providing the correct response in the space
 - *Following the transfer of firearm* – The page containing the error must be copied, the correction may be placed on the copy in the manner stated above, & attaching the copy to the original Form 4473
- Forms 4473 where NICS was contacted and a transfer did not occur must be placed in a separate file from 4473s where a transfer did occur; file chronologically by date of transfer, alphabetically by transferee, or by serial number if FFL serializes Form 4473
- Record the following information for employees:
 - State license / permit qualifies as NICS exemption (reference Permanent Brady Permit Chart)
(Y / N): _____
 - FBI or State POC for transfers of:
 - Handguns _____
 - Long Guns _____
 - Other _____
 - Background Checks conducted (enter phone or website): _____
 - State Waiting Period for Transfer Following:
 - Proceed Response for:
 - Handguns _____
 - Long Gun _____
 - Other _____
 - Delayed Response for:
 - Handguns _____
 - Long Gun _____
 - Other _____

A&D Book Keys

- Use an electronic A&D Book
 - Many electronic A&D Book options contain logic controls to keep you compliant & avoid ATF citation, or, a spreadsheet program on your computer can be utilized; in either case, it must comply with ATF Ruling 2016-1, most notably (not all 2016-1 requirements listed below):
 - Corrections are tracked properly if using a software program (confirm with provider), or, if using a spreadsheet program a notes field contains information on what was changed, who made the change, & why
 - All A&D Books are electronic, no hard copies
 - The Books are downloaded and saved in a file twice per year (& daily if using cloud provider)
 - The computer Books are accessible at the licensed premises during business hours, or the cloud host facility has a business premises within the US
 - The records are backed up daily
- A&D Book entries should contain the exact information located on (a) the firearm, (b) the FFL from whom received or shipped to, and/or (c) the transferee's or transferor's identification document
- **Firearms are Acquired immediately;** they are not routed to storage or a shelf prior to their Acquisition
- **Firearms are Disposed immediately;** employees directed to not perform any other task after a transfer until the firearm has been Disposed

Organizational Keys

- FFLs should conduct a background check upon all employees prior to employment
- FFLs should implement company policies addressing compliance requirements (or an employee handbook) & require employee affirmation to the company policies
- FFLs should mandate ATF compliance training for employees involved in regulated activity; numerous free and cheap options exist such as local ATF seminars, the online Firearms Compliance University, and trade association offerings
- To promote accountability, senior personnel (e.g., store manager) with responsibility for firearms activity should be designated as a Responsible Person and file applicable ATF paperwork
- A limited group of employees with authority should be designated as responsible for ATF interaction
- FFLs changing location must file an Application for an Amended FFL at least 30 days in advance of the move
- Changes to business structure (e.g., converting from a sole proprietor to LLC) require the new entity to apply for an FFL

Inventory Control Keys

- Firearms should be secured after-hours in a vault, in a reinforced shatterproof glass case, or by secondary measures such as a locking cable or bar
- Serial number inventories should be conducted on a regular basis – preferably monthly but in no case less than quarterly
 - Inventory duties should be assigned beforehand to (a) inventory leader, & (b) inventory staff. The inventory staff counting the serial numbers should not be given a copy of the A&D Book; they should count and record the serial numbers independently. Once finished, inventory staff provides their sheets or files of serial numbers to the inventory leader. The inventory leader compares the serial numbers counted to the A&D Book and organizes any necessary reconciliation.
 - If no serial numbers are found within 48 hours (or sooner if required by local/state law), local law enforcement and ATF shall be notified and a Theft/Loss Report filed.
- On at least an annual basis, a thorough mock inspection should be conducted utilizing either the Inspection Readiness Assessment document or an independent auditor

Miscellaneous Keys

- The FFL / SOT should be conspicuously posted on the premises for inspection by ATF
- FFLs should be received from all licensed entities prior to shipment to & receipt from; each FFL of a transferee should be verified in FFL EZCheck prior to shipment

NICs Delayed-Transfer Table (if no state or local waiting periods applicable & State offices were open during intervening days)	
NICS Check Provided Delayed Response	Firearm May be Transferred On
Monday	Friday
Tuesday	Saturday
Wednesday	Tuesday
Thursday	Wednesday
Friday	Thursday
Saturday	Thursday
Sunday	Thursday