

Keys to SOT 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.

Form 4 Keys

- To avoid processing delays the firearm information on the Form 4 should match the firearm information reflected on the Form that registered the firearm to the FFL (Form 1, 2, 3, 4, or 5)
- Field 13 should be omitted for silencers
- The first 2 copies of the Form 4 are sent to ATF & the final copy sent to the transferee's CLEO
- Upon approval of the Form 4, a 4473 must be completed to finish the transfer of the firearm(s) to the transferee; if the only item being transferred is an NFA item on an approved Form 4, federal law does not require a NICS check and Box 20 should be checked (state laws may vary)
- Retain 2 copies of the Form 4; file one in the NFA paperwork file & attach the second copy to the 4473 to be filed
- *Individual Transfers*
 - Ensure transferee has a 2x2" photo taken within the past year
 - If the FFL is not equipped to take fingerprints, the transferee must provide 2 completed fingerprint cards (FD-258)
- *Trust / Legal Entity Transfers*
 - The name & address in Box 2a should reflect where the firearms will primarily reside
 - Boxes 14-20 on the Form 4 are omitted
 - Only one Responsible Person needs to sign the Form 4 and appear to obtain the firearm
 - If the Trust/Legal Entity has obtained an NFA item within the last 2 years & there has been no change to it (e.g., new RPs, change of address, etc.), the Trust / Legal Entity should enclose a certification stating the information has not changed since the prior approval & identify the prior approval by providing form number, serial number, and date approved; this moots the need for RP Questionnaires, photographs, & fingerprints
 - If the Trust / Legal Entity has not obtained an NFA item within the last 2 years, or there has been a change to previous documentation, the following is required:
 - Enclose documentation of existence (e.g., Declaration of Trust)
 - Each RP must submit a Responsible Person Questionnaire complete with photograph and fingerprints
 - Advise the transferee each RP must send a copy of their RP Questionnaire to their CLEO and the transferee must send the CLEO copy of the Form 4 and the RP Questionnaire to the CLEO with jurisdiction over the address in Box 2a

Recordkeeping Keys

- Audit your NFRTR listing on a regular basis; ensure that the list of items ATF thinks you have is what you actually have & file any paperwork with ATF to reconcile as necessary
- Although not standard NFA Forms, retain any & all void registration notices you file with ATF (e.g., void transfer, destruction notices, etc.)
- Maintain copies of all NFA Form approvals both IN & OUT (enables reconciliation and proof for ATF of possession / non-possession in the future) in the following file folders:
- Use an electronic A&D Book
 - Form 1
 - Form 2
 - Form 3 In
 - Form 3 Out
 - Form 4 In
 - Form 4 Out
 - Form 5 In
 - Form 5 Out
 - Form 9 Out

Making & Transferring Keys

- Use ATF eForms whenever possible; it exponentially expedites form processing (at present, Form 4 is not on eForms system)
- No NFA activity may occur without ATF approval in advance; exceptions are assembly / creation of an NFA firearm if the FFL is an SOT (must file Form 2 by close of the next business day) & destruction of an NFA firearm (must file a void registry letter with NFA Division)
- NFA inventory should be afforded extra security; if all inventory is not secured in a safe overnight all efforts should be made to do so for NFA inventory given its increased appeal to criminals
- NFA items pending transfer (Form has been filed with ATF) should be segregated from other inventory with a copy of its pending transfer paperwork
- Conversion of a firearm manufactured by another entity requires engraving of the converting entity's name & city/state on the firearm
- FFLs without an SOT may make or obtain NFA items; an approved Form 1 or Form 4, as applicable must be received from ATF in advance
- With limited exception, machine guns manufactured on or after May 19, 1986 cannot be transferred between FFLs; however, some exceptions include:
 - Receipt by an FFL when the NFA transfer form included a law enforcement demonstration request letter indicating a military or law enforcement entity seeks demonstration of the item (commonly referred to as a "law letter")
 - Transfers pursuant to a variance issued by ATF
 - Transfers by an FFL that is going out of business to a manufacturer FFL/SOT
- Shipping / receiving NFA items for repair are not "transfers" under the NFA that require an approved form (although ATF does recommend a Form 5 be filed)

