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***“ATF Form 4473
Excellence To
Avoid Revocation.”***

**2024 Firearm Industry
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***“ATF Form 4473
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Session Description

- In the NSSF Shot University session on Completing ATF Form 4473 (August 2023 version, mandatory use effective February 2024) we discussed how and when a federal firearms licensee (transferor / seller) and non-licensee (transferee/buyer/resident and non-resident) completed Section(s) A through E on the transaction record. This session will identify every day, innocuous in appearance transactions encountered by licensees, that may appear and possibly interpreted by the ATF as zero tolerance violations! These are the violations that lead to notices of revocations. Learn how to identify and manage these situations with 100% certainty of regulatory compliance. With a clear understanding of the regulatory process, you will elude the violation pitfall. Don't accidentally fall prey to what can be construed as a willful zero tolerance violation.

Session Description

ZERO TOLERANCE VIOLATIONS:

- Transferring a firearm to a prohibited person
- Failing to run a required background check
- Falsifying records, such as a transaction record (ATF F 4473)
- Failing to respond to a firearm trace
- Refusing to permit ATF to conduct an inspection

27 CFR 478.124(a)

A licensed importer, licensed manufacturer or licensed dealer shall not sell or dispose, temporarily or permanently any firearm to any person, unless the licensee records the transaction on a firearms transaction record, ATF F 4473.

Learn how sometimes innocent and careless F 4473

omissions, errors or incompletions may be misinterpreted for a zero tolerance violation. With the right awareness of regulatory requirements, these situations are totally avoidable.

27 CFR 478.124(b)

- Realize that by not maintaining completed F 4473s in accordance with the regulations, either alphabetically by purchaser name, chronologically by date of disposition or numerically by transaction number (Transferors Sellers Transaction Number) you **risk losing** a form and not being able to account for it during a compliance inspection. Lack of producing a F 4473 for a completed transfer results in - **FAILING TO COMPLETE A TRANSACTION RECORD, FAILING TO COMPLETE A BACKGROUND CHECK AND FAILING TO ACCOUNT FOR A FIREARM**, an avoidable yet revokable offence. **“The appearance of NOT completing a required background check – zero tolerance violation.”**

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No. 1140-0020

Firearms Transaction Record

WARNING: The information you provide will be used to determine whether you are prohibited by Federal or State Law from receiving a firearm, or whether Federal or State Law prohibits the sale or disposition of a firearm to you. Certain violations of the Gun Control Act, 18 U.S.C. § 921 et. seq., are punishable by up to 15 years imprisonment and/or up to a \$250,000 fine. Any person who exports a firearm without a proper authorization from either the Department of Commerce or the Department of State, as applicable, is subject to a fine of not more than \$1,000,000 and up to 20 years imprisonment.

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises (including business temporarily conducted from a qualifying gun show or event in the same State in which the premises is located) unless the transaction qualifies under 18 U.S.C. § 922(c). **All entries must be handwritten in ink unless completed under ATF Rul. 2016-2.** PLEASE PRINT.

Transferor's/Seller's
Transaction
Number (if any)

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27 CFR 478.124(c)(3)(i)

- After the transferee/buyer has completed their portion of the F 4473, the licensee examines the purchaser's identification document (driver's license etc.) and records the information in box 26a on the F 4473. This supports verifying age, residency etc., for the background check submission. Recording incorrect or incomplete information may result in a violation for failing to verify the transferee's identity and if this is a repeat violation, may result in revocation. Take the time to verify the transferees age, place of residency because it is a determining factor on the type of firearm they may acquire (legal disposition of pistols, revolvers and even receivers to non-licensee residents, as well as non-residents)

26.a. Identification (e.g., Virginia driver's license (VA DL) or other valid government-issued photo identification including military ID)				
Issuing Authority and Type of Identification	Number on Identification	Expiration Date of Identification (if any)		
		Month	Day	Year
26.b. Supplemental Government Issued Documentation (if identification document does not show current residence address or legal name)				
26.c. Official Military Orders Establishing Permanent Change of Station (PCS):				
PCS Base, City and State:		PCS Effective Date:	PCS Order Number (if any):	
26.d. Exception to the Nonimmigrant Alien Prohibition: If the transferee/buyer answered "yes" to 21.m.2, record the type of documentation showing the exception to the prohibition and attach a copy to this ATF Form 4473:				
Notice: If transferee/buyer is under 21, a waiting period of up to 10 days may apply where notification from NICS is received within 3 business days to further investigate a possible disqualifying juvenile record. A NICS check is only valid for 30 calendar days from the date recorded in question 27.a.				

18 U.S.C. 922(b)(3), 27 CFR 478.99(a)

A licensee may NOT transfer a receiver (AR lower) to an unlicensed person that resides outside their state of licensure. A transaction violation that may result in revocation.

UNDERSTAND NOW, WHY IT'S SO IMPORTANT TO VERIFY THE PURCHASER'S IDENTIFICATION AND RECORD THE DOCUMENT ACCURATELY!

27 CFR 478.124

SCENARIO:

At what point during a transaction should a licensee contact NICS – licensees should contact NICS after the transferor/seller has completed Section A and the transferee/buyer has completed Section B of the F 4473.

27 CFR 478.129(b)

CLARIFICATION SCENARIO:

- With the recent passage of ATF Ruling 2021R-05F and new guidance on record keeping retention, FFLs are now required to retain all records for the life of their license.

There is one exception - if the customer doesn't complete Section B of the Form 4473 and no NICS background check is initiated, then despite Section A being completed by the licensee, this particular form is not required to be retained.

27 CFR 478.124(c)(3)(iv)

- A licensee shall comply with running a background check (478.102) through the FBI NICS / state designated POC. The date this check was run, any responses provided by the system, including identification number (PROCEED, DENIED, CANCELLED, DELAYED) are to be recorded on the F 4473. Recording INCORRECT ENTRIES OR NOT AT ALL gives the **“appearance of failing to run a required background check, transferring to a prohibited person – zero tolerance violations on the surface.”**

27.a. Date the transferee's/buyer's identifying information in Section B was transmitted to NICS or the appropriate State agency:			27.b. The NICS or State transaction number (if provided) was:
Month	Day	Year	
27.c. The response initially provided by NICS or the appropriate State agency was:			
			<input type="checkbox"/> Proceed <input type="checkbox"/> Denied <input type="checkbox"/> Cancelled
<input type="checkbox"/> Delayed. The firearm(s) may be transferred on _____ (date) if time period is not extended by NICS or the appropriate State agency, and State law allows (optional).			

SCENARIO:

- When the signature and date recorded in Box 36 doesn't correspond to the transferee/buyer signature box and date in Section B (Box-22), there is the appearance of a **zero tolerance violation – failing to run a required background check or transferring to a prohibited person**. To avoid this pitfall citation, remember to have the buyer sign Box 30 in Section D of the F 4473, if the sale/transfer/disposition occurs on a date different from the date recorded in Box 22.

Section D - Must Be Completed Personally By Transferee/Buyer

If the transfer of the firearm(s) takes place on a different day from the date that the transferee/buyer signed Section B, the transferee/buyer must complete Section D immediately prior to the transfer of the firearm(s).

I certify that all of my responses in Section B of this form are still true, correct, and complete.

30. Transferee's/Buyer's Signature

31. Recertification Date

Month

Day

Year

27 CFR 478.124(d)

SCENARIO: Completing a F 4473 for a non-resident transaction

- Prior to making an over-the-counter transfer of a shotgun or rifle under section 27 CFR 478.96(c) to an out of state non-licensee, who meets over the counter in person, complies with background check requirements, completes ATF F 4473, and the sale or delivery is legal in both states. **THERE IS NO EXCEPTION TO ACCEPTING OUT OF STATE PERMITS IN LIEU OF A BACKGROUND CHECK.** Often, licensees misinterpret this process and accept out of state permits in lieu of running a NICS check. **Accepting a permit from an out of state resident in lieu of conducting a background check is a violation. This may be perceived by the ATF as a zero-tolerance violation.**
- Continued.....

Continuation....

- When a licensee is aware of regulatory requirements, you are aware of when NICS exceptions apply, and they do not apply to out of state residents. A disposition of a shotgun or rifle in this scenario requires both completion of ATF F 4473 and required background check! **Armed with this knowledge, a violation is completely avoidable.**
- **In the case of a disposition to a non-licensee resident in your state of licensure**, where **FBI NICS** are required, a licensee may accept a pistol carry / conceal permit as an exemption to a NICS check, if the permit is issued within 5 years of the date of transaction.

29. No NICS check is required because the transferee/buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS.

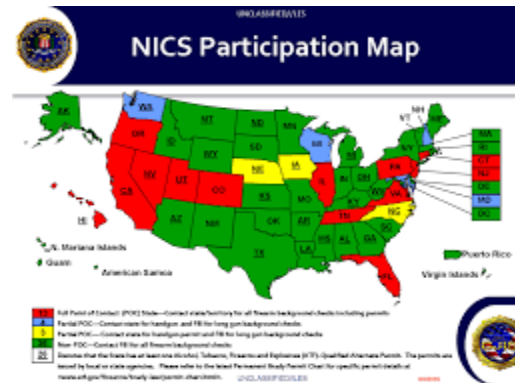
Issuing State and Permit Type	Date of Issuance (if any)	Expiration Date (if any)	Permit Number (if any)

27 CFR 478.102(c)

*****REMINDER*****

SCENARIO:

- The time limitation on a NICS check is for a period not to exceed 30 days from the date that NICS was initially contacted. If the transaction is not completed within the 30-day period, the licensee shall initiate a **NEW** NICS check prior to the transfer. Often licensees overlook or forget this time limit. NOT running a new check can or may be construed as **“failing to run a required background check – zero tolerance violation on the surface.”** Understanding the when and why in this space completely avoids a citation by the ATF.



27 CFR 478.102(c), 27 CFR 478.21

SCENARIO:

- CONSIDER - when a customer wants to purchase additional firearms AFTER THE LICENSEE HAS COMPLETED SECTION – E (Boxes 32 through 36 e.g., dated and signed the transaction record). Under the Act, at this point in the transaction, it is considered final or complete. Any additional firearm purchases after this fact is a separate and new transaction. This will require a NEW NICS check (even though they are across from you at the counter or never left the store) and new ATF F 4473 must be completed.
- Adding the additional firearm(s) to the F 4473 may result or be mistaken for “falsifying records, such as a transaction record or failing to run a required background check” and considered a NICS violation subject to the zero-tolerance policy and immediate revocation.

Continued.....

Continuation....

- This violation is completely avoidable when you know that once a licensee **COMPLETES SECTION-E OF THE TRANSACTION RECORD**, any additional firearms are considered a new transaction that require a new F 4473 and NICS check.
- ONCE THESE BOXES IN SECTION D ARE SIGNED BY THE LICENSEE, THE TRANSACTION IS DONE! START A NEW F 4473 AND RUN ANOTHER NICS/POC BACKGROUND CHECK

The Individual Transferring The Firearm(s) Must Complete Questions 34-36. For Denied/Cancelled Transactions, The Individual Who Completed Section C Must Complete Questions 34-35.		
<p>I certify that: (1) I have read and understand the Notices, Instructions, and Definitions on this ATF Form 4473; (2) the information recorded in Sections A, C and E is true, correct, and complete; and (3) this entire transaction record has been completed at the licensed business premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless this transaction has met the requirements of 18 U.S.C. § 922(c). Unless this transaction has been denied or cancelled by NICS or State agency, I further certify on the basis of — (1) the transferee's/buyer's responses in Section B (and Section D, if applicable); (2) the verification of the identification recorded in question 26 (and the re-verification at the time of transfer, if Section D was completed); and (3) State or local law applicable to the firearms business — it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section B. If this transaction required a NICS check, I further certify that this firearm(s) transfer is within 30 days from the date of NICS contact.</p>		
34. Transferor's/Seller's Name (please print)	35. Transferor's/Seller's Signature	36. Date Transferred Month Day Year
REMINDER - By the Close of Business Complete ATF Form 3310.4 for Multiple Sales of Handguns Within 5 Consecutive Business Days		

Continuation....

SCENARIO Continued:

- Additional firearms purchased by the same transferee/buyer, may only be added to the F 4473 as part of a single transaction provided the transaction is conducted within 30 calendar days from the date the licensee initiated the NICS check, and **THE LICENSEE/TRANSFEROR HAS NOT SIGNED AND DATED SECTION E.** Activity outside this process flow is considered a violation for failing to run a required background check and completing a new F 4473.
- Knowing how to manage customer purchase needs in accordance with the Code of Federal Regulation (CFR) will help avoid unnecessary citations and possible revocation

Continued.....

Continuation....

SCENARIO Continued:

HOWEVER, a licensee MAY amend Section A of the F 4473 if the transferee/buyer decides to buy a different firearm than was initially recorded in Section A, **PROVIDED/AND ONLY IF** the licensee has NOT signed and dated the form in (Section E).

SCENARIO:

Where a licensee **dispositions a replacement firearm, if its not for the exact same kind of firearm and dispositioned to the same person, this is considered a separate and new transaction requiring a NICS check and new F 4473.** Deviation from this business process may be interpreted as a falsification of records, such as a transaction record or failing to run a required background check – appearing on the surface as a **zero-tolerance violation**. Again, totally avoidable if you understand the regulatory requirement.

SCENARIO:

Are corporate license dispositions of firearms to employees. Individual officers or employees of the entity aren't exempt from completing ATF F 4473 and NICS background check. Knowing when NICS checks and ATF F 4473 completions apply, will mitigate against falling prey to revokable, yet avoidable citations.

- Often mistaken or **cited as failing to run a required background check or falsifying records**, such as a transaction record – are transactions like this one.

18 U.S.C. 923(g)(7), 27 CFR 478.25(a)

SCENARIO:

Failing to respond to a firearm trace. A licensee must provide the requested disposition information immediately and in no event later than 24 hours after the receipt of a trace request.

Avoidable by establishing contact with the ATF National Tracing Center examiner within that 24-hour window, if only to advise that a search is underway or to advise of any delays, obstructions contributing to a delayed response.

Communication with the ATF point of contact is critical in avoidance of this zero-tolerance violation.

SCENARIO:

- Returning Consigned firearms: The return of any consigned firearm by the licensee to the consignor must be entered in the licensee's disposition record, with the execution of an ATF F 4473 and NICS check prior to the return of such firearms.

Again, another misinterpreted transaction resulting in a violation, possible zero tolerance, because of the appearance of failing to run a required background check, transferring a firearm to a prohibited person, even falsifying records, if executed after the fact of the disposition.

This scenario, like many other situations discussed in this presentation can be mistaken for a **zero-tolerance violation**! Knowing the how to: with F 4473s will mitigate against violation, revocation and empower an FFLs understanding of the GCA.

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- Member Benefit Provider Discounts
- Access to Programs Such as First Shots

nssf.org/membership/join/

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