§ 478.35  Skeet, trap, target, and similar
shooting activities.

Licensing and recordkeeping requirements, including permissible alternate
records, for skeet, trap, target, and similar organized activities shall be de-
termined by the Director of Industry Operations on a case by case basis.

§ 478.36 Transfer or possession of ma-
cine guns.

No person shall transfer or possess a
machine gun except:
(a) A transfer to or by, or possession
by or under the authority of, the
United States, or any department or
agency thereof, or a State, or a depart-
ment, agency, or political subdivision
thereof. (See Part 479 of this chapter);
or
(b) Any lawful transfer or lawful pos-
session of a machine gun that was law-
fully possessed before May 19, 1986 (See
Part 479 of this chapter).


§ 478.37 Manufacture, importation and
sale of armor piercing ammunition.

No person shall manufacture or im-
port, and no manufacturer or importer
shall sell or deliver, armor piercing
ammunition, except:
(a) The manufacture or importation,
or the sale or delivery by any manufac-
turer or importer, of armor piercing
ammunition for the use of the United
States or any department or agency
thereof or any State or any depart-
ment, agency, or political subdivision
thereof;
(b) The manufacture, or the sale or
delivery by a manufacturer or im-
porter, of armor piercing ammunition
for the purpose of exportation; or
(c) The sale or delivery by a manufac-
turer or importer of armor piercing
ammunition for the purposes of testing
or experimentation as authorized by the
Director under the provisions of
§ 478.149.


§ 478.38 Transportation of firearms.

Notwithstanding any other provision
of any law or any rule or regulation of
a State or any political subdivision
thereof, any person who is not other-
wise prohibited by this chapter from
transporting, shipping, or receiving a
firearm shall be entitled to transport a
firearm for any lawful purpose from
any place where such person may law-
fully possess and carry such firearm to
any other place where such person may
lawfully possess and carry such firearm
if, during such transportation the fire-
arm is unloaded, and neither the fire-
arm nor any ammunition being trans-
ported is readily accessible or is di-
rectly accessible from the passenger
compartment of such transporting ve-

cle: Provided, That in the case of a
vehicle without a compartment sepa-
rate from the driver’s compartment the
firearm or ammunition shall be con-
tained in a locked container other than
the glove compartment or console.


§ 478.39 Assembly of semiautomatic ri-
fles or shotguns.

(a) No person shall assemble a semi-
automatic rifle or any shotgun using
more than 10 of the imported parts list-
ed in paragraph (c) of this section if the
assembled firearm is prohibited from
importation under section 925(d)(3) as
not being particularly suitable for or
readily adaptable to sporting purposes.

(b) The provisions of this section
shall not apply to:
(1) The assembly of such rifle or shot-
gun for sale or distribution by a li-
censed manufacturer to the United
States or any department or agency
thereof to any State or any depart-
ment, agency, or political subdivision
thereof; or
(2) The assembly of such rifle or shot-
gun for the purposes of testing or ex-
perimentation authorized by the Direc-
tor under the provisions of § 478.151; or
(3) The repair of any rifle or shotgun
which had been imported into or as-
sembled in the United States prior to
November 30, 1990, or the replacement
of any part of such firearm.

(c) For purposes of this section, the
term imported parts are:
(1) Frames, receivers, receiver castings,
forgings or stampings
(2) Barrels
(3) Barrel extensions
(4) Mounting blocks (trunions)
(5) Muzzle attachments
(6) Bolts
(7) Bolt carriers
§ 478.39a Reporting theft or loss of firearms.

Each licensee shall report the theft or loss of a firearm from the licensee’s inventory (including any firearm which has been transferred from the licensee’s inventory to a personal collection and held as a personal firearm for at least 1 year), or from the collection of a licensed collector, within 48 hours after the theft or loss is discovered. Licensees shall report thefts or losses by telephoning 1-888-930-9275 (nationwide toll free number) and by preparing ATF Form 3310.11, Federal Firearms Licensee Theft/Loss Report, in accordance with the instructions on the form. The original of the report shall be forwarded to the office specified thereon, and Copy 1 shall be retained by the licensee as part of the licensee’s permanent records. Theft or loss of any firearm shall also be reported to the appropriate local authorities.

(Approved by the Office of Management and Budget under control number 1140–0039)


§ 478.40 Manufacture, transfer, and possession of semiautomatic assault weapons.

(a) Prohibition. No person shall manufacture, transfer, or possess a semiautomatic assault weapon.

(b) Exceptions. The provisions of paragraph (a) of this section shall not apply to:

(1) The possession or transfer of any semiautomatic assault weapon otherwise lawfully possessed in the United States under Federal law on September 13, 1994;

(2) Any of the firearms, or replicas or duplicates of the firearms, specified in 18 U.S.C. 922, Appendix A, as such firearms existed on October 1, 1993;

(3) Any firearm that—

(i) Is manually operated by bolt, pump, lever, or slide action;

(ii) Has been rendered permanently inoperable; or

(iii) Is an antique firearm;

(4) Any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition;

(5) Any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine;

(6) The manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement;

(7) The transfer to a licensee under title I of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

(8) The possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving a firearm, of a semiautomatic assault weapon transferred to the individual by the agency upon such retirement;

(9) The manufacture, transfer, or possession of a semiautomatic assault weapon by a licensed manufacturer or licensed importer for the purposes of testing or experimentation as authorized by the Director under the provisions of § 478.153; or

(10) The manufacture, transfer, or possession of a semiautomatic assault weapon by a licensed manufacturer, licensed importer, or licensed dealer for the purpose of exportation in compliance with the Arms Export Control Act (22 U.S.C. 2778).