AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

federal register

THURSDAY, MAY 9, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 91

Pages 16433–16824

PART I



HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

AEROSOL SPRAYS—Consumer Product Safety Commission determines vinyl chloride potentially hazardous ingredient and requires that manufacturers furnish information on defects 16511

UNIFORM TIRE QUALITY GRADING—DoT revokes regulations; effective 5–9–74 16469

PAY ADJUSTMENTS—CSC drops provisions; effective 5–1–74 16439

STUDENT NURSING LOANS—HEW issues regulations on repayment and administration; effective 6–10–74 16473

BROKER-DEALER RECORDKEEPING—SEC issues guidelines clarifying requirements 16440

UNIFORM SYSTEM OF ACCOUNTS—FMC revises regulations regarding subsidized vessels and operators; effective 5–9–74 16445

CONTROLLED SUBSTANCES—Justice Department exempts certain drugs for research purposes; effective 5–9–74 16442

SCHOOL BREAKFAST PROGRAM—USDA list of monies apportioned States for fiscal year 1974 16470

PART II:

EFFLUENT LIMITATIONS—EPA issues regulations for petroleum refining point source category; effective 5–12–74 16560

EPA proposes regulations for users of publicly owned treatment works for petroleum refining point source category; comments 6–10–74 16574

PART III:

EFFLUENT LIMITATIONS—EPA regulates builders paper and board mills point source category; effective 5–9–74 16578

EPA proposes regulations for users of publicly owned treatment works for builders paper and board mills point source category; comments by 6–10–74 16582

PART IV:

GUN CONTROL—Treasury Department list of relevant laws of political subdivisions of States 16633

(Continued inside)

May 9, 1974—Pages 16433–16824

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

MAY 9

DOT—Response to petitions for reconsideration of vehicle in use inspection standards..... 12866; 4–9–74

EPA—Procedures for employee protection hearings..... 12865; 4–9–74

HEW—Instructional equipment grants for institutions of higher education. 12950; 4–9–74

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

MEETINGS—
USDA: Shippers Advisory Committee, 5–16–74 16496
Cibola National Forest Grazing Advisory Board, 5–22 and 5–23–74 16497
Gunnison National Forest and Grand Mesa-Uncompahgre National Forests Multiple Use Advisory Committees, 5–23 and 5–24–74 respectively 16497
HEW: Advisory Committee on the Education of Bilingual Children, 5–14–74 16501
Interior: Oil Shale Environmental Advisory Panel, 5–16 and 5–17–74 16495
FCC: Cable Television Technical Advisory Committee, Panel 2, 5–30–74 16513
National Science Foundation: Advisory Panel for Research Management Improvement, 5–23 and 5–24–74 .. 16521
FEO: Environmental Advisory Committee, 5–22–74 16556
State Regulatory Advisory Committee, 5–16–74 16556

contents

AGRICULTURAL MARKETING SERVICE

Rules

Handling limitation:
Navel oranges 16471
Valencia oranges 16472
Pink seedless grapefruit; minimum size requirements 16472

Notices

Regulating handling of oranges, grapefruit, tangerines and tangelos grown in Florida; Shippers Advisory Committee meeting .. 16496

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Federal Crop Insurance Administration; Food and Nutrition Service; Forest Service; Soil Conservation Service.

Rules

Assistant Secretary for Conservation, Research, and Education and Chief, Forest Service; delegation of authority regarding assistance to eligible volunteer fire departments 16470

Notices

National Wild and Scenic Rivers System; Clarion River not qualified 16497

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Notices

Gun control; published ordinances of political subdivisions of States 16633

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Notices

Plant protection and quarantine programs; status of environmental impact statements 16496

ATOMIC ENERGY COMMISSION

Rules

Licensing of production and utilization facilities; environmental effects of uranium fuel cycle; correction 16439

Proposed Rules

Special curie definitions and concentration values in air and water for uranium and thorium; correction 16481

Notices

Certification:
Edward A. Mason 16509
Myer Bender 16508
Spencer H. Bush 16508
William Kerr 16509
Duquesne Light Co. et al; issuance of construction permit 16508
Mississippi Power & Light Co.; limited work authorization 16508

CIVIL AERONAUTICS BOARD

Notices

American Airlines, Inc., et al; hearing 16509
Andrew Deeds, II; proposed approval of application 16509
Pan American World Airways, Inc. and Trans World Airlines, Inc.; extended time order 16509

CIVIL SERVICE COMMISSION

Rules

Pay under prevailing rate systems; adjustments under Economic Stabilization Program; revocation 16439

COMMERCE DEPARTMENT

See also Domestic and International Business Administration; Maritime Administration; National Bureau of Standards.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENT

Notices

Chinese textile products; entry or withdrawal from warehouse for consumption 16510

CONSUMER PRODUCT SAFETY COMMISSION

Notices

Cyanoacrylate-based adhesives; label information 16511
Vinyl chloride-containing self-pressurized products; potential hazard 16511

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Decisions on applications for duty-free entry of scientific articles:
American Museum of Natural History et al 16497
City College of N.Y. 16498
Council on Library Resources, Inc 16498
Creighton University 16499
Harvard Medical School 16500
Joslin Diabetes Foundation Inc., et al 16499
Methodist Hospital, Memphis, Tenn. et al 16500

DRUG ENFORCEMENT ADMINISTRATION

Rules

Schedules of controlled substances; exempt chemical preparations 16442

EDUCATION OFFICE

Notices

Advisory Committee on the Education of bilingual children; meeting 16501
Grants for noncommercial educational broadcasting facilities; acceptance of applications for filing 16502

ENVIRONMENTAL PROTECTION AGENCY

Rules

Effluent guidelines:
Builders paper and roofing felt segment of the builders paper and board mills point source category 16578
Petroleum refining point source category 16560

Proposed Rules

Applications for effluent limitations guidelines:
Builders paper and board mills point source category 16582
Petroleum refining point source category 16574

Notices

Pesticide registration; receipt of applications and data to be considered in support 16512

FEDERAL AVIATION ADMINISTRATION

Rules

Federal airway segment; revocation 16439
Reporting points; designation and redesignation 16440
Transition areas; alteration (2 documents) 16439

FEDERAL COMMUNICATIONS COMMISSION

Rules

Radio broadcast services; television table of assignments 16467

Proposed Rules

Cable Television Systems; network program exclusively protection 16484
Extension of comment periods:
Establishment of private operational-fixed microwave radio service 16481

(Continued on next page)

FM Broadcast Stations in certain cities in Illinois and Indiana ---- 16482
FM Broadcast Stations in Jeffersontown, Kentucky ---- 16483
FM Broadcast Stations in Mountain View, Arkansas ---- 16484
Television stations in Ponce, Puerto Rico ---- 16482
Telephone companies, wiretelegraph, ocean-cable carriers and radiotelegraph carriers; changes in wages and hours schedule ---- 16481

Notices

Cable Television Technical Advisory Committee Panel 2; meeting ---- 16513

FEDERAL CROP INSURANCE CORPORATION

Rules

Federal crop insurance; application ---- 16471

FEDERAL ENERGY OFFICE

Notices

Meetings
Environmental Advisory Committee ---- 16556
State Regulatory Advisory Committee ---- 16556

FEDERAL HIGHWAY ADMINISTRATION

Rules

Traffic operations; pavement marking demonstration program ---- 16443

FEDERAL HOME LOAN BANK BOARD

Proposed Rules

Electronic funds transfer through remote service units ---- 16484

FEDERAL INSURANCE ADMINISTRATION

Rules

Areas eligible for the sale of insurance; status of participating communities (2 documents) ---- 16468

FEDERAL MARITIME COMMISSION

Proposed Rules

Rules of practice and procedures; enlargement of time to file comments ---- 16486

Notices

Agreement filed:
Maryland Port Administration and Maher Terminals, Inc ---- 16514
New York Freight Bureau (Hong Kong) ---- 16515
Pacific Far East Line, Inc. and American President Lines, Inc ---- 16515
San Francisco Port Commission et al ---- 16515
Trans-Pacific Freight Conference (Hong Kong) ---- 16515
Independent ocean freight forwarder license applications ---- 16516
Non-vessel operating common carriers; domestic offshore tariff proceedings; correction ---- 16517
Petition filed:
New York Freight Bureau (Hong Kong) ---- 16514
Trans-Pacific freight conference (Hong Kong) ---- 16516
West line, Ltd.; revocation order ---- 16516

FEDERAL POWER COMMISSION

Rules

Availability of relevant information acquired by staff investigation; general policy ---- 16441

Proposed Rules

Natural Gas; information on gas supply and deliverability in applications for certificates ---- 16487

Notices

Consolidated System LNG Co.; availability of environmental impact statement ---- 16517
National Gas Survey Technical Advisory Committee Tasks Forces; renewal ---- 16517
Hearings, etc.:
Arkansas Power and Light Co ---- 16517
Cities Service Gas Co ---- 16517
Colorado Interstate Gas Co ---- 16518
Illinois Power Co ---- 16519
Lawrenceburg Gas Transmission Corp ---- 16519
Northern Pump Co ---- 16519
Northwest Pipeline Corp ---- 16519
Orange and Rockland Utilities, Inc ---- 16519
Public Service Electric and Gas Co ---- 16519
Southwest Gas Corp ---- 16520

FISH AND WILDLIFE SERVICE

Rules

Medicine Lake National Wildlife Refuge; sport fishing ---- 16469

FOOD AND DRUG ADMINISTRATION

Rules

Tests and methods of assay of antibiotic and antibiotic containing drugs; sterile cephapirin sodium, correction ---- 16442

FOOD AND NUTRITION SERVICE

Rules

School breakfast and nonfood assistance programs and State administrative expenses; second apportionment of nonfood assistance funds ---- 16470

Notices

Food Stamp Program; maximum allowable income standards and basis of coupon issuance—Hawaii; correction ---- 16496

FOREST SERVICE

Proposed Rules

Forest Development Transportation System; administration ---- 16479

Notices

Land use plan, Bucks Lake Unit, Plumas National Forest, Calif.; availability of draft environmental statement ---- 16496
Meetings:
Cibola National Forest Grazing Advisory Board ---- 16497
Gunnison National Forest Multiple Use Advisory Committee ---- 16497
Spread Creek-North Gros Ventre Planning Unit; availability of final environmental statement ---- 16497

GENERAL SERVICES ADMINISTRATION

Notices

Acquisition of motor vehicles; revised policies and procedures ---- 16520
Postmaster General; revocation of delegation of authority ---- 16521

GEOLOGICAL SURVEY

Notices

Oil and gas production rates; prevention of waste, and protection of waste, and correlative rights; correction ---- 16489

HAZARDOUS MATERIALS REGULATIONS BOARD

Proposed Rules

Consolidation of hazardous materials regulations; extension of comments period ---- 16481

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration; Public Health Service.

Notices

Social and Rehabilitation Service; statement of organization, functions, and delegations of authority ---- 16506
Social Security Administration; Federal agency regional maps and tables; correction ---- 16507

HEARINGS AND APPEALS OFFICE

Notices

Petitions for modification of application of mandatory safety standard:
Bethlehem Mines Corp. (2 documents) ---- 16489
Clear Creek Coal Co ---- 16490
H & L Coal Co ---- 16491

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

INDIAN AFFAIRS BUREAU

Notices

Turtle Mountain Reservation, N.D.; ordinance legalizing introduction, sale or possession of intoxicants ---- 16491

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Geological Survey; Hearings and Appeals Office; Indian Affairs Bureau; Land Management Bureau.

Notices

National Wild and Scenic Rivers System; Clarion River not qualified ---- 16495
Oil Shale Environmental Advisory Panel; meeting ---- 16495
Proposed Charles M. Russell National Wildlife Range, Mont.; availability of draft environmental statement ---- 16495

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings 16526
Fourth section application for relief 16526
Freight rates and charges; increase of ten percent 16436
Irregular-route motor common carriers of property; elimination of gateway letter notices (2 documents) 16526, 16530
Motor Carrier Board transfer proceedings 16533
Motor carrier, broker, water carrier and freight forwarder applications 16538
Motor carrier temporary authority applications 16534

JUSTICE DEPARTMENT

See Drug Enforcement Administration.

Rules

Standards of conduct; reporting of outside interests 16444

Notices

Residents, Pearl River Co., Miss.; certification of Attorney General regarding voting rights 16489

LAND MANAGEMENT BUREAU

Notices

El Paso Natural Gas Co.; application for pipeline right-of-way (2 documents) 16494
Federal coal reserves; environmental statement on proposed leasing 16495
Southern Pacific Pipe Lines, Inc.; application for petroleum products pipeline right-of-way 16493
Southern Union Gas Co.; application for natural gas pipeline right-of-way 16494
Stauffer Chemical Co.; application for natural gas pipeline in Wyoming 16494

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 16521

MARITIME ADMINISTRATION

Rules

Uniform system of accounts for maritime carriers; revision 16445

NATIONAL BUREAU OF STANDARDS

Notices

Proposed Federal information processing standard; code extension techniques in 7 or 8 bits 16501
Proposed revision to Federal Information Processing Standard 21–COBOL 16501

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Uniform tire quality grading; revocation 16469
Vehicle identification numbers; response to petitions for reconsideration 16469

NATIONAL SCIENCE FOUNDATION

Notices

Advisory Panel for Research Management Improvement; meeting 16521

PUBLIC HEALTH SERVICE

Rules

Nursing student loans; grants 16473

SECURITIES AND EXCHANGE COMMISSION

Rules

Maintenance of current books and records by brokers and dealers; clarification statement 16440

Notices

Chicago Board Options Exchange, Inc., proposed amendments to option plan 16521
Hearings, etc.:
Astron Fund, Inc., et al 16522
E. I. Du Pont De Nemours and Co 16522
Indiana and Michigan Electric Co., and American Electric Power Company, Inc 16523
National Alfalfa Dehydrating and Milling Co 16524
Petroleum Energy Investors, Ltd 16525
Ohio Edison Co. and Pennsylvania Power Co 16524
Stratton Group, Ltd 16525
Venturevest Corp 16525
Zenith Development Corp 16526

SOIL CONSERVATION SERVICE

Proposed Rules

Snow surveys and water supply forecasts; policy and procedures for administration 16479

TRANSPORTATION DEPARTMENT

See also Federal Aviation Administration; Federal Highway Administration; Hazardous Materials Regulations Board; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Alcohol, Tobacco and Firearms Bureau.

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

5 CFR

532 16439

7 CFR

2 16470
220 16470
401 16471
907 16471
908 16472
944 16472
PROPOSED RULES:
612 16480

10 CFR

50 16439
PROPOSED RULES:
20 16481

12 CFR

PROPOSED RULES:
545 16484

14 CFR

71 (4 documents) 16439, 16440
PROPOSED RULES:
103 16481

17 CFR

241 16440

18 CFR

2 16441
PROPOSED RULES:
157 16487

21 CFR

141 16442
1308 16442

23 CFR

655 16443

24 CFR

1914 (2 documents) 16468

28 CFR

45 16444

36 CFR

PROPOSED RULES:
212 16479

40 CFR

419 16560
431 16578
PROPOSED RULES:
419 16574
431 16582

42 CFR

57 16473

46 CFR

282 16445
PROPOSED RULES:
146 16481
502 16486

47 CFR

73 16467
PROPOSED RULES:
2 16481
43 16481
73 (4 documents) 16482–16484
76 16484
81 16481
87 16481
91 16481
93 16481
94 16481

49 CFR

573 16469
575 16469
PROPOSED RULES:
170 16481
171 16481
172 16481
173 16481
174 16481
175 16481
176 16481
177 16481

50 CFR

33 16469

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 532—PAY UNDER PREVAILING RATE SYSTEMS

Subpart K—Pay Adjustments Under Economic Stabilization Program

REVOCATION

Because of the expiration on April 30, 1974, of the Economic Stabilization Act, as amended, the Commission revokes Subpart K of Part 532 effective May 1, 1974.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-10733 Filed 5-8-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Environmental Effects of the Uranium Fuel Cycle; Correction

In FR Doc. 74-9076 appearing at page 14188 in the issue of Monday, April 22, 1974, the following changes should be made:

1. In the first column of Table S-3, under Effluents-chemical (MT), Liquids, the listings "NH" and "Fe[3]" should read:

NH_3
Fe

2. In the first and second columns of Table S-3, under Effluents-Radiological (curies), Liquids, the listings "Ru-106" and "[3].15" should read:

$Ru106^3$ ---------- .15

3. In the third column of Table S-3, the thirteenth paragraph, lines 32 through 38, should read:

Principally from fuel reprocessing plants—Whole body dose is 6 man-rem per annual fuel requirements for population within 50 mi radius. This is <0.007 percent of average natural background dose to this population. Release from Federal Waste Repository of 0.005 Ci/yr has been included in fission products and transuranics total.

4. In the third column of Table S-3, the fifteenth paragraph, lines 42 through 44, should read:

From UF_6 production-concentration 5 percent of 10 CFR 20 for total processing 27.5 model LWR annual fuel requirements.

5. In the third column of Table S-3, the eighteenth paragraph, lines 51 through 54, should read:

All except 1 Ci comes from mills—included in tailings returned to ground—no significant effluent to the environment, 1 Ci from conversion and fuel fabrication is buried.

Dated at Germantown, Md., this sixth day of May 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-10695 Filed 5-8-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-NW-03]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 8, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 9199) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Burley, Idaho, transition area.

Interested persons were given thirty days in which to submit written comments. No objections to the proposed amendment were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 GMT July 18, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)) sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Seattle, Wash., on April 30, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

BURLEY, IDAHO

"That airspace extending upward from 700 feet above the surface within 5.5 miles each side of the Burley BORTAC 121° radial extending from the VORTAC to 27 miles southeast of the VORTAC; within 5.5 miles each side of the Burley VORTAC 292° radial, extending from the VORTAC to 17 miles west of the VORTAC; within that airspace bounded on the southwest by a line parallel to and 9.5 miles southwest of the Burley VORTAC 323° radial, on the northwest by an arc of a 53-mile radius circle centered on Burley VORTAC, on the north by the north edge of V-500, on the east by a line parallel to and 4.5 miles east of Burley VORTAC 344° radial; and within 2.5 miles southeast and 6 miles northwest of the 036° bearing from Burley Municipal Airport, extending 9.5 miles northeast of the Burley Municipal Airport * * *" the remainder of the description remains as published.

[FR Doc.74-10630 Filed 5-8-74;8:45 am]

[Airspace Docket No. 74-SO-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway Segment

On March 5, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 8350) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the west alternate to VOR Federal Airway No. 37 between Columbia, S.C., and Fort Mill, S.C.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307) is amended as follows:

In V-37 "Fort Mill, S.C., including a W alternate via INT Columbia 294° and Fort Mill 201° radials;" is deleted and "Fort Mill, S.C.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on May 2, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-10628 Filed 5-8-74;8:45 am]

[Airspace Docket No. 74-SO-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 25, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 11096), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Knoxville, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Knoxville, Tenn., transition area is amended as follows:

"* * * excluding the portion within the Morristown, Tenn., transition area * * *" is deleted and "* * * within an 8-mile radius of Knoxville Downtown Island Airport (latitude 35° 57'45" N., longitude 83°52'30" W.); excluding the portion within Morristown, Tenn., transition area * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958. (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on April 30, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-10631 Filed 5-8-74;8:45 am]

[Airspace Docket No. 74-WA-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Redesignation of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Ainsworth, Nebr., VOR reporting point and to redesignate the Hobe, Palmetto, Shad, Snook, Squid, and Swordfish reporting points. Designation of the Ainsworth, Nebr., domestic low altitude reporting point will reduce controller workload and communication frequency congestion. Reporting points at Hobe INT, Palmetto INT, Snook INT, Squid INT, and Swordfish INT are incorrectly described by inbound bearings. Their redescription by outbound bearings does not change their locations. The Millville, N.J., RBN has been renamed Rainbow, N.J., RBN. The description of the Shad INT reporting point is amended by making this name change.

Because this action merely designates and redescribes reporting points in accordance with the requirements of current air traffic control procedures, and without altering any route structures or designated airspace, this action is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate charts, this amendment will be made effective on July 18, 1974.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

Section 71.203 (39 FR 620) is amended by adding the following:

Ainsworth, Nebr.

Section 71.209 (39 FR 630) is amended as follows:

a. In Hobe INT: "INT of 195° bearing" is deleted and "INT of 014° bearing" is substituted therefor.

b. In Palmetto INT: "INT of 192° bearing" is deleted and "INT of 011° bearing" is substituted therefor.

c. In Shad INT: "INT of Millville, N.J. RBN" is deleted and "INT of Rainbow, N.J., RBN" is substituted therefor.

d. In Snook INT: "INT of 182° bearing" is deleted and "INT of 002° bearing" is substituted therefor.

e. Squid INT: is amended to read as follows:

Squid INT: INT of 192° bearing Croaton, N.C., RBN and 090° bearing Dinsmore, Fla., RBN.

f. Swordfish INT: is amended to read as follows:

Swordfish INT: INT of 182° bearing Croaton, N.C., RBN and 090° bearing Dinsmore, Fla., RBN.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 2, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-10629 Filed 5-8-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10756]

PART 241—INTERPRETATIVE RELEASE RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Statement Regarding Maintenance of Current Books and Records by Brokers and Dealers

Inquiries have been received by the Commission requesting clarification of the requirement of Rule 17a-3(a) under the Securities Exchange Act of 1934 that every broker-dealer shall "make and keep current" certain books and records enumerated in the rule. Also, subparagraph (c) of Rule 17a-11 requires that telegraphic notice be given to the Commission when a broker or dealer fails to comply with the requirements of Rule 17a-3 to "make and keep current" books and records prescribed by the rule.

Rule 17a-3(a) requires that registered broker-dealers prepare records of transactions and dealings in securities for the accounts of the firm's customers as well as for its own risk and account, and to prepare records of other financial transactions related to the business of the broker-dealer. These requirements are intended to serve three basic regulatory purposes. First, it is expected that the broker-dealer maintain current books and records for the protection and convenience of customers; that is, customers are entitled to prompt responses to inquiries and resolution of claims relating to their accounts. Secondly, these requirements are intended to enable a broker-dealer to be aware of the extent of its compliance with the various rules and requirements, particularly the net capital and other customer protection rules,[1] and be able to demonstrate compliance to the Commission and the self-regulatory authorities without the burden of bringing books and records up-to-date being placed upon the regulatory authorities. Third, a broker-dealer should have current books and records to enable it to fulfill its obligations and responsibilities to other broker-dealers with whom business is transacted. Additionally, good business practice requires timely information for effective management decisions. In order to serve these purposes, we discuss in the following paragraphs general guidelines for the maintenance of current books and records with respect to the requirements of Rules 17a-3(a) and 17a-11.[2]

A. Order tickets and confirmations. Subparagraphs (6) and (7) of Rule 17a-3(a) require the preparation of a memorandum of each brokerage order and each principal transaction and subparagraph (8) requires maintenance of copies of confirmations of transactions for the accounts of customers and partners. These are the basic source documents and transaction records of a broker-dealer. By their nature the memoranda of brokerage and principal transactions should be prepared at the time of the transactions, and the confirmations, which are prepared from the memoranda, should be prepared and mailed on the day of the transaction or the following business day.

B. Records of original entry. The blotters or other records or original entry described in subparagraph (1) of Rule 17a-3 itemize each day's transactions in a format that facilitates posting to the general and subsidiary ledgers. Blotter records relating to securities transactions—e.g., daily purchase and sale blotters—should reflect all transactions as of the trade date and should be prepared no later than the following business day. Similarly, blotter records relating to securities movements and the receipt and disbursement of cash should reflect such transactions on the date they occur and should be prepared no later than the following business day.

C. General ledgers. The ledgers prescribed in subparagraph (2) of Rule 17a-3 are the general records reflecting all

[1] Including Rule 15c3-1 or comparable requirements of a national securities exchange of which the broker-dealer is a member and Rule 15c3-3.

[2] Subsequent modification or change of applicable rules may result in the revision of the guidelines set forth herein (for example, see proposed revisions to Rule 15c1-4, Securities Exchange Act Release No. 10681, Investment Company Act Release No. 8275).

asset, liability and capital accounts and all income and expense accounts and include control accounts for subsidiary ledgers. The blotters and other records of original entry should be maintained not only on a daily basis as discussed above, but in a form which will facilitate posting of the general ledger as frequently as necessary to enable the broker-dealer to make the computations necessary to ascertain his compliance with the net capital rule and the customers' reserve requirement rule.[3] For many broker-dealers, compliance with the customers' reserve requirement entails a weekly computation based on updated general ledger account balances.

A broker-dealer is required to be in compliance with the net capital rule at all times and the general ledger must be posted as frequently as may be necessary to make that determination. Compliance with this rule and the concern for frequent computations becomes particularly important in periods of sharp changes in securities prices and increases in trading volume. Firms which are frequent participants in underwriting syndicates or which effect transactions in large blocks of stock may also find it necessary to post their ledger on a daily basis because of the need for making frequent net capital computations. If a broker-dealer effects only a limited number of transactions during an accounting period and it is clear from the nature of the business conducted that such transactions would have no material adverse effect on the broker-dealer's financial and operational condition, net capital or customers' protection requirements during the period it may be appropriate to post the general ledger on a monthly basis.[4]

D. Customer's ledger accounts. Transactions involving the purchase and sale of securities should be posted to the customer's ledger accounts described in subparagraph (3) of Rule 17a–3 no later than settlement date. Other customer transactions relating to securities movements and cash receipts and disbursements should be reflected as of the transaction date and should be posted to the accounts no later than the first business day following the transaction.

E. Subsidiary ledgers. The subsidiary ledgers and other records[5] relating to securities in transfer, dividends and interest received, securities borrowed and securities loaned, and monies loaned required under subparagraph (4)(A)–(D) should be posted no later than two business days subsequent to the date of the securities or money movements. Transactions between brokers not completed on settlement date should be posted to the appropriate fail to deliver or fail to receive ledger (or other record) no later than the first business day following settlement date; resolution of fail transactions should be recorded no later than the first business day following resolution. A broker-dealer who maintains his accounts on the trade date basis of accounting and uses "fail" accounts to reflect transactions with other brokers should post transactions to the accounts no later than two business days subsequent to the transaction date. In accordance with the provisions of Rule 17a–13 (b)(5), long and short stock record differences shall be entered in an appropriate ledger account (subparagraph (4)(F)) no later than seven business days after the date of a required quarterly securities examination and verification.[6]

F. Securities position record. The securities record required by subparagraph (5) of Rule 17a–3(a) shall reflect the changes resulting from purchase and sale transactions either as broker or dealer as of clearance date, or settlement date, and should be recorded no later than the following business day.[7] In addition, other changes in securities positions should be reflected on the date of the security movement or on the following business day as of the date of the movement. Long and short securities record differences shall be entered concurrently with their recording in the subsidiary ledger required by subparagraph (4)(F).

G. *Transactions in options.* The record of puts, calls, spreads, straddles, and other options described in subparagraph (10) should reflect transactions as of the date an option is written, guaranteed, traded or exercised and should be prepared no later than the business day following the transaction.

H. Trial balances and capital computation. Subparagraph (11) requires the monthly preparation of a trial balance of all ledger accounts and a computation of aggregate indebtedness and net capital as of the trial balance date. These records should be prepared no later than 10 business days after the end of the accounting period, except in those instances where the records must be prepared in a lesser period to satisfy any reporting requirements established by any self-regulatory authority of which the broker-dealer is a member.[8]

I. Other records. The record of beneficial ownership of each cash or margin account (subparagraph (9) of Rule 17a–3) should be prepared before transactions are effected in an account. The employment questionnaire or application (subparagraph (12) of Rule 17a–3) should be prepared at or prior to the commencement of employment.

J. Time lag in transmission of data. Under certain limited circumstances the accounting department of a broker-dealer may not be aware of a transaction until a few days after it occurs. Transactions such as receipts and disbursements in out-of-town branches or by correspondents should be recorded no later than the day after the transaction is reported to the accounting department, and dividend and interest claims from other brokers should be recorded no later than the day after the validity of the claim is established.

K. Service bureaus. If a broker-dealer hires or engages an outside service bureau or other recordkeeping service to handle its records, the requirement to make and keep current the broker-dealer's books and records is in no way diminished and under such circumstances the broker-dealer is responsible to the same degree for maintaining current books and records as if he were maintaining them himself. Where a broker-dealer undertakes to have his books and records prepared and maintained by a service bureau or recordkeeping service, he should assure himself that the service will be provided in conformity with the Commission recordkeeping rules.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

APRIL 26, 1974.

[FR Doc.74–10687 Filed 5–8–74;8:45 am]

[3] Rule 15c3–3(e).

[4] In the course of posting the books at interim date during a month, it may not be necessary to make adjustments for accruals and deferrals such as for depreciation or prepaid expenses if they would not materially affect the financial condition of the broker-dealer.

[5] As used in subparagraph (4) and elsewhere in Rule 17a–3, the term, "other records" should be construed to include, where appropriate, copies of vouchers, confirmations, or similar documents which reflect the information required by the applicable subparagraph arranged in appropriate sequence and in permanent form, including similar records developed by the use of automatic data processing systems and produced or reproduced on microfilm.

[6] If counts are made on a cyclical basis in accordance with Rule 17a–3(c), any stock record difference shall be recorded within seven business days subsequent to examination and verification of a particular security.

[7] The requirement for current maintenance of the securities record can be met by broker-dealers through preparation of a full securities record weekly, supplemented by a daily "takeoff" sheet summarizing and balancing each day's securities movements.

[8] Although not specifically referred to in Rule 17a–3, the weekly or monthly computation of the amount to be on deposit under the customers' reserve requirement rule must be made in sufficient time to enable the broker-dealer to make the required deposit no later than one hour after the opening of banking business on the second business day following the date on which the computation is based, as required by Rule 15c3–3(e).

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. RM74–24; Order No. 509]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Availability of All Relevant Information Acquired by Staff Investigation in Contested Cases

MAY 2, 1974.

The Commission is herein promulgating a statement of policy with respect to

the release of information acquired by investigations of its staff conducted pursuant to sections 8, 10, and 14 of the Natural Gas Act (52 Stat. 825, 15 U.S.C. 717g; 52 Stat. 826, 15 U.S.C. 717i; 52 Stat. 828, 15 U.S.C. 717m) which may be relevant to any matter set for formal hearing. This policy implements subsection (b) of section 8 of the Natural Gas Act which provides that no member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books, records, data, or accounts of natural gas companies except insofar as he may be directed by the Commission or by a court.

Since the Commission can act under the substantive provisions of the Natural Gas Act only upon required statutory findings[1] based upon substantial evidence,[2] it is imperative that all relevant information be available for examination by all parties to a proceeding so that the Commission will have a complete record, including substantial evidence, upon which to base its findings and make conclusions of law. The Commission is aware that natural gas companies may be reluctant to have revealed certain information obtained by staff investigation. However, when that information is relevant to matters which are the subjects of formal hearings under the substantive provisions of the Natural Gas Act, there must a weighing of the interests involved;[3] and the Commission concludes that the public interest, with which the business of transporting and selling natural gas for ultimate distribution to the public is affected,[4] outweighs the private interests of natural gas companies in maintaining the confidentiality of the information.

The Commission regards the statement of policy promulgated herein as the direction of the Commission under subsection (b) of section 8 of the Natural Gas Act to its members, officers, and employees to release the subject information; and, further, the Commission regards the statement as the legal authorization without which individuals who would disclose information might be subject to criminal sanctions under 18 U.S.C. 1905. The Commission does not regard its determination to release the subject information as limited by the provisions of 5 U.S.C. 552(b) (4) and (9).

[1] 52 Stat. 822, 15 U.S.C. 717b; 52 Stat. 824, 15 U.S.C. 717f(a); 52 Stat. 824, 15 U.S.C. 717f (b); 56 Stat. 84, 15 U.S.C. 717f(e).

[2] 52 Stat. 831, 15 U.S.C. 717r.

[3] Cf. FCC v. Schreiber, et al., 381 US 279; American Sumatra Tobacco Corp. v. SEC, 110 F.2d 117.

[4] 52 Stat. 821, 15 U.S.C. 717(a).

The Commisison finds. (1) the policy adopted herein is necessary and appropriate in the administration of the Natural Gas Act.

(2) Since the statement promulgated herein concerns a matter of general policy and agency procedure, compliance with the provisions of 5 U.S.C. 553 relating to notice and hearing is unnecessary.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly subsection (b) of section 8 (52 Stat. 825, 15 U.S.C. 717g) and section 16 (52 Stat. 830, 15 U.S.C. 717o) thereof, and in accordance with 5 U.S.C. 553, orders:

(A) Part 2 of Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding a new § 2.72 which reads as follows:

§ 2.72 Availability of information acquired by Staff Investigation in contested cases.

Pursuant to the Commission's authority under the Natural Gas Act, particularly subsection (b) of section 8 thereof, upon request by a party to the proceedings, all relevant information acquired by Commission staff, including workpapers pursuant to any staff investigation conducted under sections 8, 10, or 14 of the Natural Gas Act shall, without further order of the Commission, be free from the restraints of said subsection (b) of section 8 regarding the divulgence of information, with respect to any matter hereafter set for formal hearing.

(Subsection (b), sec. 8, 52 Stat. 825, 15 U.S.C. 717g; sec. 16, 52 Stat. 830, 15 U.S.C. 717o)

(B) The amendment adopted herein shall be effective on date of issuance.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-10640 Filed 5-8-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC CONTAINING DRUGS

Sterile Cephapirin Sodium

Correction

In FR Doc. 73-24197 appearing at page 31507 in the issue of Thursday, November 15, 1973, the antibiotic entry in § 141.506(b)(2) reading "Cephapirin Soldium" should read "Cephapirin Sodium".

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substance and is packaged in such a form or concentration that the package quantity does not present any significant potential abuse, or (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse. If the preparation or mixture is formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused, and so that the narcotic substance cannot in practice be removed. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the code of Federal Regulations (see 38 FR 18380, July 2, 1973) the Administrator hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

By amending § 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

* * * * *

(i) * * *

Manufacturer of supplier	Product name and supplier's catalog No.	Form of product	Date of application
Amersham/Searle Corp	Δ1-[G-^{3}H] Tetrahydrocannabinol, No. TRK. 446.	Ampoule: 0.005 mg to 0.06 mg.	Feb. 26, 1974
Do	[1(n)-^{3}H] Morphine, No. TRK. 447	Ampoule: 0.002 mg to 0.015 mg.	Do.
Do	[1(n)-^{3}H] Codeine, No. TRK. 448	do	Do.
Do	Diacetyl [1(n)-^{3}H] morphine, No. TRK. 449.	Ampoule: 0.003 mg to 0.012 mg.	Do.
Do	[1,7,8(n)-^{3}H] Dihydromorphine, No. TRK. 450.	Ampoule: 0.0008 mg to 0.008 mg.	Do.
Hoffman-La Roche Inc	Abuscreen Radioimmunoassay for Morphine (^{125}I).	Vial: 100 ml and 500 ml	Sept. 27, 1972
Do	Abuscreen Radioimmunoassay for Morphine (^{3}H).	do	Do.
Hyland Division Travenol Laboratories, Inc.	T-11	Vial: 20 ml	Feb. 8, 1974
Do	T-12	do	Do.
Do	T-13	Vial: 50 ml	Do.
Do	T-14	do	Do.
Do	T-15	do	Do.
Mallinckrodt	RIA-MAT Circulating T3 I125 Kit, Cat. No. 501:	Kit containing the following:	Jan. 28, 1974
	RIA-MAT T3 Buffer	Bottle: 100 ml.	
	RIA-MAT T3 Antiserum	Vial: 2.5 ml.	
	RIA-MAT T3 Reaction Vial	Vial: 1 ml.	
	RIA-MAT T3 Standard 0 ng/ml	Vial: 1.5 ml.	
	RIA-MAT T3 Standard 0.5 ng/ml	Vial: 1.5 ml.	
	RIA-MAT T3 Standard 1.0 ng/ml	V al: 1.5 ml.	
	RIA-MAT T3 Standard 2.0 ng/ml	Vial: 1.5 ml.	
	RIA-MAT T3 Standard 6.0 ng/ml	Vial: 1.5 ml.	
Medical Chemical Corp	Secobarbital Standard 10 mg. percent, Cat. No. 250.	Bottle: 120 cc	Feb. 22, 1974
Millpore Corp	Electro-AgaroSlide, Alpha-2-Macroglobulin, Cat. No. ESEA 032 01.	Plate: 3¼" x 2¼" x 1/16".	Mar. 4, 1974
Do	Electro-AgaroSlide, Albumin, Cat. No. ESEA 032 05.	do	Do.
Do	Electro-AgaroSlide Transferrin, Cat. No. ESEA 032 04.	do	Do.
Do	Electro-AgaroSlide, IgA, Cat. No. ESEA 032 08.	do	Do.
Do	Electro-AgaroSlide, Alpha-1-Antitrypsin, Cat. No. ESEA 032 00.	do	Do.
Do	Electro-AgaroSlide, C 3 Complement, Cat. No. ESEA 032 03.	do	Do.
Do	Electro-AgaroSlide, Ceruloplasmin, Cat. No. ESEA 032 02.	do	Do.

Effective date. This order is effective on May 9, 1974. Any interested person may file written comments on or objections to the order on or before July 8, 1974. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: April 26, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.74-10553 Filed 5-8-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 655—TRAFFIC OPERATIONS

Subpart B—Pavement Marking Demonstration Program

The Federal Highway Administrator is adding a new Subpart B to Part 655, Subchapter G, Chapter I of Title 23, CFR. The purpose of the new subpart is to prescribe the policies and procedures that the Federal Highway Administration will follow in administering the new Pavement Marking Demonstration Program established by section 205 of the Highway Safety Act of 1973.

Although certain general concepts relating to funding of projects under the new program are contained in § 655.211, detailed rules relating to the allocation of funds authorized by section 205 of the Highway Safety Act of 1973, as well as procedures for obligating those funds, will be dealt with in separate directives to be issued in the future.

In consideration of the foregoing, Chapter I of Title 23, CFR is amended by adding a new Subpart B in Part 655 of Subchapter G, reading as set forth below.

Since this amendment involves the administration of a program of public grants-in-aid, notice and public procedure thereon are unnecessary, and it is effective on the date of issuance set forth below.

This amendment is issued under the authority of section 205 of the Highway Safety Act of 1973, 23 U.S.C. 151, 23 U.S.C. 315, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48.

Issued on April 30, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart B—Pavement Marking Demonstration Program

Sec.
655.201 Scope of the rules in this part.
655.203 Authority.
655.205 General policies.
655.207 Procedures for participation in Pavement Marking Demonstration Program.
655.209 Marking standards.
655.211 Funding.
655.213 Evaluation and reporting.

AUTHORITY: 23 U.S.C. 151, 315 and delegation of authority at 49 CFR 1.48.

§ 655.201 Scope of the rules in this part.

The rules in this part prescribe the policies and procedures followed by the Federal Highway Administration to implement the Pavement Marking Demonstration Program.

§ 655.203 Authority.

The Pavement Marking Demonstration Program is authorized by section 205 of the Highway Safety Act of 1973, 23 U.S.C. 151.

§ 655.205 General policies.

(a) *Eligible projects.* A pavement marking project is eligible for inclusion in a State's program if it is on any paved highway located within the State, except a highway included in the Interstate System. A project may be on either a highway on a Federal-aid system (except the Interstate System) or a highway off the Federal-aid systems, including a highway under the jurisdiction of a political subdivision of the State. However, except as provided in § 655.211, a project must not include renewal of pavement markings that conform to the standards set forth in the 1971 edition of the Manual on Uniform Traffic Control Devices.

(b) *Objective of the Program.* The objective of the Pavement Marking Demonstration Program is to demonstrate the value of pavement markings in providing greater vehicle and pedestrian safety. To this end, each project must produce a highway which has pavement markings that conform to the standards set forth in the 1971 edition of the Manual on Uniform Traffic Control Devices.[1]

(c) *Priorities for approval of programs.* In establishing programs the States shall give priority to—

(1) Projects on two-lane highways which are located in rural areas and which either are on the Federal-aid secondary system or are not included on any Federal-aid system; and

(2) Projects on routes or systems having high accident rates, when it is probable that adequate pavement markings will reduce the high accident rate.

(d) *Methods of performing work on projects.* Work on projects included in a State's program may be performed by either—

(1) Force account methods in accordance with Policy and Procedure Memorandum 21-6.2 [2];

[1] The Manual on Uniform Traffic Control Devices is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a price of $3.50 per copy.

[2] Copies of Policy and Procedure Memorandum 21-6.2 are available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

(2) Contracts awarded by normal competitive bid methods; or

(3) Negotiated contracts containing firm unit prices.

§ 655.207 Procedure for participation in Pavement Marking Demonstration Program.

(a) *Development of program.* A State which wishes to participate in the Pavement Marking Demonstration Program must develop, and submit to the Federal Highway Administration, a program of proposed pavement marking projects that conform to the rules in § 655.205. A program may consist of a single project for the entire State, or may be broken down by geographic areas or by systems as the State may desire.

(b) *Contents of program.* The State's program must generally describe the work to be accomplished and must include—

(1) A description of the procedures for evaluating the results of each project;

(2) A listing by counties of the number of miles of pavement to be marked by class of road (Federal-aid system and non-Federal-aid system);

(3) A description of the type of striping or other markings to be applied in each project;

(4) An estimate of the total cost of each project and of the program as a whole; and

(5) A description of the method to be used to perform the work on each project.

(c) *Submission and review of program.* A State's program must be submitted to the Federal Highway Administration Division Engineer. The Division Engineer will review the program to determine whether it conforms to the rules in this part.

§ 655.209 Marking standards.

(a) *General rule.* In the performance of pavement marking projects, the marking standards specified in the 1971 edition of the Manual on Uniform Traffic Control Devices, including the standards for pedestrian crosswalks and stop lines, must be followed. In addition, the rules in paragraphs (b) and (c) of this section apply to pavement marking projects.

(b) *Centerlines.* Centerline markings must consist of one of the three types specified in section 3B–1 of the Manual on Uniform Traffic Control Devices. Centerline markings must be applied to a highway which—

(1) Has a paved surface that is 16 feet wide or wider; and

(2) Carries an average daily traffic volume of 250 vehicles or more.

(c) *Edge lines.* Except as otherwise approved by the Administrator, edge lines as prescribed in the Manual on Uniform Traffic Control Devices must be applied to a highway which—

(1) Has a paved surface that is 20 feet wide or wider; and

(2) Carries an average daily traffic volume of 250 vehicles or more.

§ 655.211 Funding.

(a) *Eligible costs.* The entire cost of materials, labor, and equipment rental or depreciation, necessary to apply pavement markings may be paid with funds authorized to carry out the Pavement Marking Demonstration Program. In addition, those funds are available to pay the cost of renewing markings applied under this Program for as long as is necessary to enable the effectiveness of the markings to be evaluated during a period of at least two years.

(b) *Ineligible costs.* Funds authorized to carry out the Pavement Marking Demonstration Program will not be expended—

(1) To pay the cost of renewing pavement markings which were not applied under the Pavement Marking Demonstration Program and which conform to the standards set forth in the 1971 edition of the Manual on Uniform Traffic Control Devices; or

(2) To pay the cost of data collection, analysis, or evaluation. However, the costs of data collection, analysis, or evaluation may be included in a State's Highway Planning and Research Program or its Highway Safety Program, if funds allocated to either program are available.

§ 655.213 Evaluation and reporting.

(a) *Submission of report.* Each State participating in the Pavement Marking Demonstration Program must make an annual report to the Federal Highway Administrator on the progress it has made in implementing its pavement marking program and the effectiveness of the improvements made under that program. The report must be submitted to the Federal Highway Administration Division Engineer. The first report must be submitted on or before August 31, 1974. Subsequent reports must be submitted on or before August 31 of each year after 1974.

(b) *Contents of report.* The State's annual report must include—

(1) An analysis and evaluation of the change in number, rate, and severity of accidents on highways which have been marked under the State's program;

(2) The cost-benefit ratio of pavement marking improvements under the State's program, comparing the results during a period of time after application of new markings which is adequate to enable proper assessment of the benefits of the new markings with data pertaining to the same period of time before application of new markings; and

(3) Completed Form 1451 which may be reproduced locally. Data relating to a project should be in the State's report until at least two years' of data relating to that project have been reported.

[FR Doc.74–10647 Filed 5–8–74;8.45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 567–74]

PART 45—STANDARDS OF CONDUCT

Reporting of Outside Interests

This order updates the list of Department officials required to report outside financial interests.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, paragraph (c)(2) of § 45.735–22 of Part 45 of Chapter I of Title 28, Code of Federal Regulations, is revised to read as follows:

§ 45.735–22 Reporting of outside interests by persons other than special Government employees.

* * * * *

(c) Statements of employment and financial interest are required of the following:

* * * * *

(2) Employees occupying the following positions:

(i) Office of the Attorney General

Administrative Assistant to the Attorney General
Assistant to the Attorney General
Director of Public Information
Assistant Directors of Public Information

(ii) Office of the Deputy Attorney General

Associate Deputy Attorneys General
Director, Office of Criminal Justice
Executive Assistant
Director, Executive Office for U.S. Attorneys
U.S. Attorneys

(iii) Office of the Solicitor General

Deputy Solicitors General

(iv) Office of Legal Counsel

Deputy Assistant Attorneys General

(v) Office of Legislative Affairs

Deputy Assistant Attorneys General
Chief, Legislative and Legal Section

(vi) Office of Management and Finance

Deputy Assistant Attorney General
Staff Directors
Director, Justice Data Center
Director, Department Publication Services Facility

(vii) Office of Watergate Special Prosecution Force

Deputy Special Prosecutor
Counsel to the Special Prosecutor
Public Information Officer
Chiefs of Task Forces
Information Systems Manager

(viii) Antitrust Division

Deputy Assistant Attorneys General
Director of Economics
Director of Operations
Deputy Director of Operations
Director, Office of Planning and Budget
Section Chiefs

(ix) Civil Division

Deputy Assistant Attorneys General
Section Chiefs

(x) Civil Rights Division

Deputy Assistant Attorneys General
Special Assistants
Executive Officer
Section Chiefs

(xi) Criminal Division

Deputy Assistant Attorneys General
Section Chiefs

(xii) Land and Natural Resources Division

Deputy Assistant Attorneys General
Section Chiefs

(xiii) Tax Division

Deputy Assistant Attorneys General
Executive Assistant
Deputy for Refund Litigation
Section Chiefs

(xvi) U.S. Marshals Service

Director
Deputy Director
U.S. Marshals

(xv) Community Relations Service

Deputy Director
Associate Director
Chief Counsel
Regional Directors

(xvi) Board of Parole

All members

(xvii) Drug Enforcement Administration

Assistant Administrators
Directors
Chief Counsel
Chief Inspector
Controller
Chief Chemists
Regional Administrators
Chief, Administrative Services Division
Contract and Procurement Officer
Contract Specialist, GS–13 and above
Chief, Compliance Division
Section Chiefs, Compliance Division
Project Officers, GS–13 and above

(xviii) Federal Bureau of Investigation

Assistant Director, Administrative Division

(xix) Federal Prison Industries, Inc.

Associate Commissioner

(xx) Immigration and Naturalization Service

Associate Commissioner, Management
Deputy Associate Commissioner, Administrative Services
Assistant Commissioner, Administration
Regional Commissioners for Northeast, Southeast, Northwest, and Southwest Regions
Deputy Regional Commissioners for Northeast, Southeast, Northwest, and Southwest Regions
Associate Deputy Regional Commissioners, Management, for Northwest, Southeast, Northeast, and Southwest Regions

(xxi) Law Enforcement Assistance Administration

Special Assistants to the Administrator and the Deputy Administrators
Director, Executive Secretariat
General Counsel
Director, National Institute of Law Enforcement and Criminal Justice
Director, National Criminal Justice Information and Statistics Service
Director, Office of Regional Operations
Inspector General
Comptroller
Director, National Scope Programs
Director, Office of Public Information and Congressional Liaison
Director, Operations Support
Director, Planning and Management
Regional Administrators
Director, Office of Civil Rights Compliance
Director, Office of Equal Employment Opportunity
All Deputy Directors of the above offices
Employees classified at GS–13 or above who are in positions involving: (1) Contracting or procurement or (2) administering, auditing or monitoring grants and contracts

* * * * *

Dated: May 2, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74–10674 Filed 5–8–74;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 22, Rev.]

PART 282—UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

On October 16, 1973, there was published in the FEDERAL REGISTER (38 FR 28682) a notice of proposed rulemaking with a proposed revision of the Uniform System of Accounts (46 CFR Part 282). The proposed revision would make substantial changes in the Uniform System of Accounts, which sets forth the manner in which operators contracting with the Maritime Administration under Titles VI and VII of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1171–1183, 1191–1206) shall keep their books, records and accounts relating to the maintenance, operation and servicing of vessels, services, routes and lines covered by such contracts. Careful consideration has been given to all comments received with respect to the proposed revision.

As a result of comments received, the following changes and additions are made to the revision as proposed:

(1) The port cost center has been subdivided into port and terminal cost centers.

(2) Account numbers for direct vessel expenses (701–749) have been revised to coincide as closely as possible with the account numbers used in the Uniform System of Accounts prior to this proposed amendment.

(3) Paragraph (k)(2) of the General Instructions has been revised to treat ordinarily delayed items of expense relating to subsidized and unsubsidized voyages alike.

(4) Clearance accounts .001–.095 have been reinstated.

(5) A new control account has been established for accrued liabilities.

(6) A new account for treasury stock transactions has been established.

(7) Account 316 for securities of related companies has been rewritten to comply with Opinion No. 18 of the Accounting Principles Board.

Accordingly, the proposed revision of 46 CFR Part 282 with the changes and additions noted above is hereby adopted.

During an operator's fiscal year beginning on or after January 1, 1974, an operator may employ presently existing accounts and convert its account numbers to conform to this amendment. Thereafter accounts must reflect completely the requirements of 46 CFR Part 282 as herein amended, with the exception of the military expense accounts 764, 766 and 768, until the Maritime Administration shall require the use of these accounts and shall give notice of such requirement in the FEDERAL REGISTER. This requirement will not take effect until the Federal Maritime Commission adopts this Uniform System of Accounts for Maritime Carriers for all operators bidding for Military Sealift Command cargos.

The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Part 282 of Title 46 of the Code of Federal Regulations as hereby revised reads as set forth below:

Effective date. This amendment shall be effective May 9, 1974.

Dated: April 26, 1974.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary.

Sec.
282.1 In general.

General instructions.

(A) Definitions.
(B) Records.
(C) Accrued items.
(D) Submission of questions.
(E) Voyage accounts.
(F) Balance sheet accounts.
(G) Conversion of securities.
(H) Contingent assets and liabilities.
(I) Revenue accounts.
(J) Expense accounts.
(K) Extraordinary and prior period items.

Balance sheet accounts.

(A) ASSET ACCOUNTS.

ACCOUNT

100 Cash.
101 Cash on deposit—domestic.
106 Cash on deposit—foreign.
111 Imprest and petty cash funds.
114 Cash on hand and in transit.
115 Special cash deposits.
120 Marketable securities.
129 Discounts and premiums on marketable securities.
130 Notes receivable.
140 Notes receivable—affiliates.
150 Accounts receivable.
151 Traffic accounts receivable—U.S. Government.
152 Traffic accounts receivable—other.
153 Accounts receivable—affiliates.
155 Claims receivable.
160 Accounts receivable—Maritime Administration—operating-differential subsidy.

Sec.
161 Accounts receivable—Maritime Administration—construction - differential subsidy.
162 Accounts receivable—Maritime Administration—other.
165 Accounts receivable—miscellaneous.
168 Accrued accounts receivable.
169 Estimated allowances for doubtful notes and accounts receivable.
170 Inventories—shoreside.
171 Vessels stores, supplies, and equipment ashore.
172 Other shipping inventories.
173 Non-shipping inventories for sale.
174 Non-shipping inventories for consumption.
175 Miscellaneous inventories.
190 Other current assets.
191 Prepaid current insurance.
192 Advances to officers and employees for expenses.
193 Other prepaid current expenses.
199 All other current assets.
200 Deferred expenses—unterminated voyages.
300 Special funds and deposits.
301 Capital reserve fund.
302 Capital construction fund.
303 Construction reserve fund.
304 Interest accruals for deposit in statutory funds.
305 Insurance funds.
306 Debt retirement funds.
307 Escrow funds.
308 Construction funds.
309 Other special funds.
310 Restricted funds.
312 Special and guaranty deposits.
315 Investments.
316 Securities of related companies.
319 Non-current notes receivable—affiliated companies.
320 Non-current accounts receivable—affiliated companies.
325 Cash value of life insurance policies.
328 Other investments.
330 Property and equipment.
331 Floating equipment—vessels.
332 Accumulated depreciation—vessels.
335 Floating equipment—barges.
336 Accumulated depreciation—barges.
337 Other floating equipment.
338 Accumulated depreciation—other floating equipment.
341 Containers.
342 Accumulated depreciation—containers.
343 Refrigerated containers.
344 Accumulated depreciation—refrigerated containers.
345 Container related equipment.
346 Accumulated depreciation—container related equipment.
347 Chassis and trailer equipment.
348 Accumulated depreciation—chassis and trailer equipment.
349 Terminal property and equipment.
350 Accumulated depreciation—terminal property and equipment.
351 Other shipping property and equipment.
352 Accumulated depreciation—other shipping property and equipment.
353 Non-shipping property and equipment.
354 Accumulated depreciation—non-shipping property and equipment.
355 Office leaseholds and leasehold improvements.
356 Accumulated amortization—office leaseholds and leasehold improvements.
357 Terminal leaseholds and leasehold improvements.
358 Accumulated amortization—terminal leaseholds and leasehold improvements.
359 Construction work in progress.
360 Other assets.
361 Claims pending.
362 Spare parts on which construction-differential subsidy has been paid.
363 Spare parts—other.
364 Notes and accounts receivable from officers and employees.
367 Deferred operating—differential subsidy receivable.
368 Other non-current notes and accounts receivable.
370 Maritime Administration allowance for obsolete vessels.
374 Miscellaneous other assets.
375 Deferred charges and prepaid expenses.
376 Prepaid long-term insurance.
384 Debt discount and expense.
385 Organization expenses.
389 Deferred prepayments and other deferred charges.
390 Goodwill and other intangible assets.
391 Goodwill.
398 Other intangible assets.
399 Accumulated amortization—other intangible assets.

(B) Liability Accounts

ACCOUNT

400 Notes payable.
401 Bank loans.
410 Insurance notes.
414 Other short-term notes.
415 Notes and accounts payable—affiliates.
420 Accounts payable.
421 Accounts payable—trade.
422 Accounts payable—traffic.
428 Accounts payable—officers and employees.
430 Accounts payable—Maritime Administration.
431 Pension and welfare funds payable.
438 Dividends payable.
439 Accounts payable—miscellaneous.
440 Accrued liabilities.
441 Accrued voyage payrolls.
442 Accrued payrolls—other.
443 Accrued liability for Federal income taxes.
444 Accrued liability for state and local taxes based upon income.
445 Accrued liability for foreign taxes.
446 Accrued liability for payroll taxes.
447 Accrued liability for other taxes.
459 Other accrued accounts payable.
479 Other current liabilities.
495 Advance ticket sales and deposits.
500 Deferred revenues—unterminated voyages.
525 Long-term debt.
526 Mortgage notes—Maritime Administration.
527 U.S. Government insured or guaranteed merchant marine bonds and notes.
530 Other bonds and debentures.
534 Other long-term debt.
540 Other long-term liabilities.
541 Non-current notes and accounts payable—affiliates.
549 Non-current notes and accounts payable—officers and employees.
550 Recapturable profits—Maritime Administration.
554 Miscellaneous other long-term liabilities.
555 Deferred credits.
556 Premium on funded debt.
563 Accumulated deferred income taxes.
564 Miscellaneous deferred credits.
565 Estimated operating allowances.
566 Estimated allowances for repairs.
570 Estimated allowances for insurance.
579 Estimated operating allowances—miscellaneous.
580 Owner's equity.
581 Capital stock issued and outstanding.
585 Capital stock subscribed.
587 Discount on capital stock.
590 Additional paid-in capital.
591 Treasury stock.
598 Retained earnings—restricted.
599 Retained earnings—unrestricted.

Revenue accounts.

(A) Ordinary Items

ACCOUNT

600 Vessel revenue.
601 Freight—foreign.
605 Freight—coastwise and intercoastal.
608 Passenger—foreign.
612 Passenger—coastwise and intercoastal.
620 Charter revenue.
624 Other voyage revenue.

(B) Subsidies

ACCOUNT

625 Operating-differential subsidy.

(C) Other Shipping Revenue

ACCOUNT

640 Collections from pools.
645 Revenue from terminal operations.
650 Revenue from cargo handling operations.
655 Revenue from tug and lighter operations.
660 Revenue from container related operations.
665 Revenue from other shipping operations.
670 Agency fees, commissions, and brokerage earned.

(D) Other Revenue Accounts

ACCOUNT

675 Interest income.
685 Dividend income.
690 Miscellaneous other income.
691 Release of premium on long-term debt.
695 Revenue from non-shipping operations.
697 Income from affiliated companies.

Operating expenses.

(A) Direct Vessel Expenses

ACCOUNT

701 Crew wages.
703 Crew fringe benefits.
704 Union payments unrelated to the crew.
708 Payroll taxes.
710 Domestic subsistence.
714 Foreign subsistence.
715 Domestic consumable stores, supplies and equipment.
716 Foreign consumable stores, supplies and equipment.
725 Other maintenance expense.
730 Insurance—hull and machinery.
732 Insurance—protection and indemnity.
734 Insurance—other marine-risk.
735 Vessel fuel.
740 Vessel repairs—domestic.
741 Vessel repairs—foreign.
742 Depreciation—vessels.
743 Time and trip charter hire.
744 Time and trip charter hire—affiliates.
745 Short-term bareboat charter hire.
746 Short-term bareboat charter hire—affiliates.
747 Long-term bareboat charter hire.
748 Long-term bareboat charter hire—affiliates.
749 Other vessel expenses.

(B) Allocated Voyage Expense

ACCOUNT

750 Allocated container and barge expense.
751 Allocated terminal expense.

(C) Port Expense

ACCOUNT

752 Cargo handling—loading/discharging.
753 Cargo handling—loading/discharging barges.

Sec.
754 Cargo handling—container yard.
755 Cargo handling—container freight station.
756 Cargo handling—lighter freight station.
757 Cargo handling—lighter consolidation.
758 Cargo handling—commercial cargo.
759 Cargo handling—other.
762 Purchased off-dock container freight station services.
763 Port transportation expense—commercial.
764 Port transportation expense—military.
765 Inland transportation expense—commercial.
766 Inland transportation expense—military.
767 Substituted service transportation expense—commercial.
768 Substituted service transportation expense—military.
770 Wharfage and dockage.
771 Other port expenses.
772 Port costs of passenger operations.
773 Transit canal tolls.

(D) IDLE VESSEL EXPENSE ACCOUNT

801 Crew wages.
803 Crew fringe benefits.
804 Union payments unrelated to the crew.
808 Payroll taxes.
810 Subsistence.
815 Consumable stores, supplies and equipment.
825 Other maintenance expense.
830 Insurance—hull and machinery.
832 Insurance—protection and indemnity.
834 Insurance—other marine-risk.
835 Vessel fuel.
840 Vessel repairs.
842 Depreciation—idle vessels.
843 Time and trip charter hire.
844 Time and trip charter hire—affiliates.
845 Short-term bareboat charter hire.
846 Short-term bareboat charter hire—affiliates.
847 Long-term bareboat charter hire.
848 Long-term bareboat charter hire—affiliates.
849 Other vessel expense.

(E) TERMINAL EXPENSE

855 Terminal operations expense—container yards.
856 Terminal operations expense—container freight station/breakbulk.
857 Terminal operations expense—barges.
858 Terminal operations expense—other.
859 Depreciation—terminal property and equipment.
860 Amortization—terminal leaseholds and leasehold improvements.
861 Other expense—terminal equipment.
862 Operating expense of tug and barge operations.
863 Maintenance expense of tug and barge operations.
864 Depreciation—other floating equipment.
866 Allocated terminal expense—contra.

(F) CONTAINER/BARGE EXPENSE

867 Container rental and lease expense.
868 Container rental and lease expense—affiliates.
869 Refrigerated container rental and lease expense.
870 Refrigerated container rental and lease expense—affiliates.
871 Chassis rental and lease expense.
872 Chassis rental and lease expense—affiliates.
873 Trailer rental and lease expense.
874 Trailer rental and lease expense—affiliates.
875 Barge rental and lease expense.
876 Barge rental and lease expense—affiliates.
877 Container related equipment rental and lease expense.
878 Container related equipment rental and lease expense—affiliates.
879 Other cargo handling equipment rental and lease expense.
880 Other cargo handling equipment rental and lease expense—affiliates.
881 Depreciation—container.
882 Depreciation—refrigerated containers.
883 Depreciation—chassis and trailer equipment.
885 Depreciation—barges.
886 Depreciation—container related equipment.
888 Other expense—containers.
889 Other expense—refrigerated containers.
890 Other expense—chassis.
891 Other expense—trailers.
892 Other expense—barges.
893 Other expense—other container equipment.
894 Other expense—other cargo handling equipment.
899 Allocated container/barge expense—contra.

(G) ADMINISTRATIVE AND GENERAL EXPENSES

901 Compensation of officers and directors.
902 Salaries and wages of employees.
903 Fringe benefits.
905 Legal fees.
906 Accounting and auditing fees.
907 Other professional fees.
910 Rental expense.
912 Utilities.
915 Communication expense.
920 Office expense.
923 Data processing equipment rental expense.
925 Dues and subscriptions.
926 Donations and contributions.
929 Entertainment and solicitation.
930 Travel expense.
931 Insurance expense.
934 Repairs and maintenance.
940 Management fees and commissions—affiliates.
941 Management fees and commissions—other.
945 Advertising—passenger.
946 Advertising—other.
950 Freight brokerage.
951 Passenger brokerage.
952 Agency fees and commissions.
955 Contributions to pools.
960 Interest expense.
961 Interest expense—affiliates.
965 Doubtful notes and accounts receivable.
970 Depreciation—other shipping property and equipment.
971 Depreciation—non-shipping property and equipment
975 Amortization—office leaseholds and leasehold improvements.
976 Amortization — debt discount and expense.
977 Amortization—organization expense.
979 Miscellaneous amortization expense.
980 Expense of non-shipping operations.
985 Income taxes accrued on ordinary income.
986 Provision for deferred income taxes.
987 Income taxes on extraordinary items.
988 Provision for deferred income taxes — extraordinary items.
989 Other taxes.
990 Miscellaneous expense.
995 Extraordinary items.

APPENDIX

Clearance Accounts

Sec.
.001 Masters and pursers.
.005 Allotments on wages of crews.
.010 Agents and branch houses.
.012 Sub-agency operations.
.015 Related companies; accounts current.
.025 Collections and deposits for passenger transportation.
.030 Collections on unrecorded freight manifests.
.035 Advance and prepaid beyond charges, and miscellaneous manifested items.
.040 Bar accounts.
.045 Slop chest account.
.050 Foreign exchange account.
.055 Pool participation.
.060 Stores, supplies, and equipment aboard vessels.
.095 Profit and loss account.

Financial Statements.

(A) Balance sheet.
(B) Income statement.
(C) Waterline operating revenue and expense.
(D) Vessel operating statement.

AUTHORITY: Section 204(b) of Pub. L. 74–835, 49 Stat. 1987, as amended (46 U.S.C. 1114), sec. 801 of Pub. L. 74–835, 49 Stat. 2011, as amended (46 U.S.C. 1211).

§ 282.1 In general.

(a) *Purpose.* The purpose of this Part is to provide a Uniform System of Accounts for Maritime Carriers to be followed by certain designated operators.

(b) *Scope.* Operators of all vessels receiving operating-differential subsidy pursuant to Title VI of the Merchant Marine Act, 1936, as amended (sections 601–606, 608–610; 49 Stat. 2001–2007; 46 U.S.C. 1171–1180) shall be required to keep books, records and accounts relating to such subsidized vessels as prescribed in this part, except operators receiving operating-differential subsidy for the carriage of bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics pursuant to Part 294 of this chapter. Operators under Part 294 which otherwise are not receiving operating-differential subsidy shall not be required to follow the requirements of this part, except as prescribed in § 294.15 of this chapter. Other operators may be required by contract or regulation to conform to the accounting system prescribed by this part.

(c) *Other requirements.* The books, records and accounts referred to in this section shall be retained in accordance with the provisions of § 380.24 of this chapter.

(d) *Transitional rule.* The Uniform System of Accounts for Maritime Carriers prescribed herein shall be adopted by affected operators at the start of their Fiscal Year beginning on or after January 1, 1975. During the operator's fiscal year beginning on or after January 1, 1974, the operator may employ presently existing accounts and merely convert its account numbers to conform to this revision. Thereafter, accounts must reflect completely the requirements of this Part, with the exception of the military expense accounts 764, 766 and 768, until the Maritime Administration shall require the use of these accounts and shall give notice of such requirement in the FEDERAL REGISTER. This requirement will not take effect until the Federal Maritime Commission adopts this Uniform

System of Accounts for Maritime Carriers for all operators bidding for Military Sealift Command cargos.

General instructions

(A) Definitions.

(1) "Additions" means structures, facilities, or equipment added to those in service and not replacing property or equipment previously in service.

(2) "Affiliated companies" or "affiliates" means companies or persons that directly, or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with, the accounting carrier. Where reference is made to control (in referring to a relationship between any person or persons and other person or persons), such reference shall be construed to include actual as well as legal control, whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means; and to include the power to exercise control.

(3) "Barge" means a cargo carriage technology type known as a lighter, used in the operation of LASH, SEABEE or similar operation to hold bulk, break bulk, and containerized cargo, and which may be stowed in holds or on deck, and which has the capability of floating on water and being towed from one location to another.

(4) "Break-bulk" means a cargo carriage technology type referring to cargo which is unitized by bagging, drumming, palletizing, or some other similar method, and is transported in holds of vessels without benefit of containers or barges.

(5) "Bulk" means a cargo carriage technology type referring to cargo which is not palletized, bagged, drummed, or otherwise unitized, and is transported in holds of vessels without benefit of containers or barges. Bulk cargo is considered barge cargo when it is placed in barges.

(6) "Cargo carriage technology type (CCTV)" means the classification of cargo for accounting purposes by its mode of carriage, including:

(i) Barge,

(ii) Break-bulk,

(iii) Bulk,

(iv) Container, and

(v) Vehicle.

(7) "Container" means a cargo carriage technology type referring to cargo carrying receptacle, either refrigerated, dry, or liquid, open top, flat rack, or of other configuration, which may be stowed in vessels or on deck, but which is not used as a floating vehicle which may be towed from one location to another.

(8) "Current assets" means cash other than cash held in special funds, as well as those assets that are readily convertible into cash, held for current operation, and other amounts accruing to the carrier and subject to settlement within one year from date of the balance sheet.

(9) "Current liabilities" means those obligations the amounts of which are definitely determined or can be closely estimated and which are either matured at the date of the balance sheet or become due upon demand or within one year from the date of the balance sheet.

(10) "Debt expense" means all expense in connection with the issuance and sale of evidences of long-term debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other evidences of debt; fees paid trustees; specific cost of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing evidences of debt; fees and expenses of listing on exchanges; and other like costs.

(11) "Discount", as applied to securities issued or assumed by the carrier, means the excess of the par or face value of the securities, over the cash value of the consideration received from the sale, plus interest or dividends accrued to the date of the sale.

(12) "Nonshipping property" means property neither used in nor held for use by the carrier in the conduct of its shipping operation.

(13) "Port expense" means an expense incurred as a direct result of the movement of cargo to and from ships and the expenses incurred in the docking and undocking of ships.

(14) "Terminal expense" means all expenses related to maintaining terminals for handling breakbulk, containers, vehicles and barges and the costs of tug, other barge operations and other floating equipment.

(15) "Premiums", as applied to securities issued or assumed by the carrier, means the excess of the cash value of the consideration received at their sale over the sum of their par or face value plus interest or dividends accrued to the date of sale.

(16) "Vehicle" means a cargo carriage technology type referring to cargo carrying receptacles or containers only when mounted on wheeled chassis which can be towed as a unit.

(17) "Shipping property" means property which is used or held for use by the carrier in the conduct of its shipping operation.

(18) "Vessel expense" means an expense incurred as a direct result of owning and operating vessels in the carriage of cargo or passengers in domestic or foreign trade, whether the vessel is in port or at sea.

(B) Records.

(1) The carrier's accounting records shall be kept in sufficient detail to show fully the facts pertaining to all entries in its accounts.

(2) Where the general ledger book entries do not contain complete information they shall be supported by other detailed records, and cross-referenced for ready identification.

(3) All records shall be filed and readily accessible for examination.

(4) All accounts reported shall conform in number and title to those prescribed in this part.

(5) Accounts included in this system may be subdivided if such subaccounts do not impair the integrity of the accounts or records prescribed in this part.

(6) Transactions shall be recorded currently so that whenever possible all transactions applicable to each month are identifiable to that month.

(C) Accrued items.

(1) When it is known that a transaction has occurred but the amount involved and its effect upon the accounts cannot be determined with absolute accuracy, the amount thereof shall be estimated and included in the appropriate revenue, expense and balance sheet accounts. Any such estimate shall be adjusted as soon after the actual amount is determined as is practicable.

(2) Accruals shall not be recorded for purely speculative items, but shall be limited to reasonable estimates based on reliable information of transactions that have been consummated.

(D) Submission of questions.

To promote and maintain uniformity of accounting, carriers shall submit all questions involving an interpretation of the accounting regulations for consideration and decision to the agency having jurisdiction over the carrier's accounts.

(E) Voyage accounts.

(1) The carrier shall keep its records in a manner that will report with respect to operating revenue, operating expense, and other accounts affected, the revenues accrued and the expenses incurred for each terminated voyage of its vessels operated.

(2) The revenues and expenses applicable to unterminated voyages at the end of an accounting period shall be transferred to account 500, "Deferred revenues—unterminated voyages" and account 200, "Deferred expenses—unterminated voyages."

(F) Balance sheet accounts.

The balance sheet accounts are intended to disclose the financial condition of the carrier as of a given date by showing the assets, liabilities, and owner's equity.

(G) Conversion of securities.

Journal entries which record the retirement of capital stock or funded debt securities by issuing in exchange the carrier's capital stock or funded debt shall be submitted to the Interstate Commerce Commission for approval before being recorded upon the books by carriers reporting to that Commission.

(H) Contingent assets and liabilities.

Contingent assets and liabilities shall not be recorded in the accounts; how-

ever, appropriate footnote disclosures shall be included as an integral part of the financial statements in order to present fairly the financial position of the carrier as of the balance sheet date. Disclosure of lease commitments by lessee shall include information required by opinion number 31 of the Accounting Principles Board with respect to total rental expense, minimum rental commitments, present value of commitments and additional disclosures. Those companies subject to the regulations of the Security and Exchange Commission (SEC) shall disclose the information required by (SEC) Regulation S–X.

(I) Revenue accounts.

(1) The revenue accounts are designed to show the amount of revenue which the carrier becomes entitled to receive from furnishing of transportation service, including services incidental thereto.

(2) The accounting for operating revenues shall be coincident with the transactions which create them. For the purpose of meeting this requirement, the carrier shall account for revenues upon an accrual basis.

(J) Expense accounts.

(1) The expense accounts are designed to show expenses of the carrier in furnishing transportation service including services incidental thereto, such as the expenses of utilization (repairs and depreciation) of the property used in such service.

(2) The accounting for expenses shall be coincident with the transactions which create them; expenses and revenues shall be matched. For the purpose of meeting this requirement, the carrier shall account for expenses on an accrual basis.

(K) Extraordinary and prior period items.

(1) *In general*—(i) *Extraordinary items.* All items of revenue and expense recognized during the year are includable in ordinary income unless the evidence clearly supports its classification as an extraordinary item as defined in authoritative accounting pronouncements. Such items are rare and should be classified separately in the income statement if material in relation to income before extraordinary items, or if material by other appropriate criteria. Circumstances which give rise to extraordinary items are those such as an act of God, an expropriation or a prohibition under a newly enacted law or regulation, provided such events clearly meet the criteria of being both unusual in nature and infrequent in occurrence. The characteristics of the particular business environment must be taken into account in determining extraordinary items. Items so excludable from ordinary income are to be entered, less applicable income taxes, directly in the account provided for extraordinary items upon approval or direction of the Maritime Administration.

(ii) *Prior period items.* Adjustments related to prior periods—and thus excluded in the determination of net income for the current period—are limited to those material adjustments which (A) can be specifically identified with and directly related to the business activities of particular prior periods, (B) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, (C) depend primarily on determination by persons other than management, and (D) were not susceptable of reasonable estimation prior to such determination.

(iii) *Material items.* Material items are those which, unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. In determining materiality, the effects of related transactions arising from a single specific and identifiable event or plan of action that meet the criteria for an extraordinary item should be aggregated; otherwise an extraordinary item should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item, shall exceed 1 percent of total waterline operating revenues and 10 percent of ordinary income for the year.

(2) Ordinary delayed items and adjustments arising during the current year which are applicable to voyages terminated in prior years or which are otherwise related to transactions of prior years shall be included as current income and expense but recorded against the vessel and voyage to which they relate. Ordinary delayed items exclude items of the character described in subparagraph (1) of this paragraph.

282.3 Balance Sheet Accounts.

(A) Asset Accounts

ACCOUNT

100 Cash.

(a) This account shall include the amount of current funds available for use on demand in the hands of financial officers or deposited in banks or trust companies including cash in transit for which agents or others have received credit. Cash appropriated for replacement, debt retirements, funded reserves, etc., and cash on deposit to guarantee performance of agreements shall be carried in appropriate accounts numbered 115 and 301 to 312, inclusive. If the withdrawal of any portion of the cash included in this account is restricted for any purpose whatsoever, the balance sheet must carry an appropriate notation to that effect.

(b) This account shall be subdivided into the following sub-accounts: 101, 106, 111, and 114.

101 Cash on deposit—domestic.

This account shall include all cash on deposit in banks in the United States and available for general purposes.

106 Cash on deposit—foreign.

This account shall include all cash on deposit in foreign banks and available for general purposes.

111 Imprest and petty cash funds.

This account shall include cash funds maintained at fixed amounts to be used in making change or in the nature of revolving funds for minor disbursements requiring immediate payment, the funds being regularly reimbursed from the general cash. Subsidiary accounts shall be maintained by agents or by type of fund.

114 Cash on hand and in transit.

This account shall include cash in the hands of financial officers; cash transfers between banks; and cash in transit from agents, branch houses, and employees.

115 Special cash deposits.

(a) This account shall include the amounts of cash on special deposit (other than in special funds or deposits as elsewhere provided) for the payment of dividends, interest, and other debts of a current nature, when such payments are due one year or less from date of deposit; also amounts of cash deposited to insure the performance of contracts to be performed within one year from date of deposit; and other cash deposits of a special nature not provided for elsewhere.

(b) This account shall also include cash realized from the sale of the carrier's securities and deposited with trustees to be held until disbursed for the purpose for which the securities were sold: Provided, that cash held for such purposes, including cash held for redemption of securities, shall be included in the appropriate special funds unless the liability for the disbursement is included under current liabilities.

(c) Cash on deposit in special bank accounts where the funds are available for current requirements shall be included in account 100, "Cash."

120 Marketable securities.

(a) This account shall include the cost of government securities and temporary investments in other readily marketable securities which are available for general purposes of the business. Securities issued or assumed by the carrier or by a related company shall not be included in this account.

(b) Subsidiary accounts shall be maintained as determined necessary.

129 Discounts and premiums on marketable securities.

This account may be charged with accumulation of any discount and may be credited with amortization of any premium on marketable securities, at the time of accrual or collection of interest thereon, with contra entry in Account 675, "Interest income" if it is the practice of the carrier to adjust that account to a yield basis. When the securities are disposed of, any balance applicable thereto in this account shall be transferred to the account in which the cost of such securities is recorded.

130 Notes receivable.

(a) This account shall include the amount of all collectible obligations in the form of short-term notes receivable,

or other similar evidences (except interest coupons) of money receivable on demand or within one year from date of issue, except notes receivable from related companies subject to current settlement, which shall be included in account 140, "Notes receivable—affiliates."

(b) This account shall be divided into the following sub-accounts:

131 Miscellaneous notes receivable
135 Subscriptions to capital stock

140 Notes receivable—affiliates.

(a) This account shall include the amount of all obligations in the form of short term notes receivable from related companies which are subject to current settlement.

(b) Items which are not subject to current settlement shall be included in account 319, "non-current notes receivable—affiliated companies."

(c) Subsidiary accounts shall be maintained by companies and shall show all essential detail.

150 Accounts receivable.

This account shall be divided into the following subaccounts: 151–153, 155, 160–162, 165 and 168.

151 Traffic accounts receivable—U.S. Government.

(a) This account shall include accounts receivable from U.S. Government agencies arising incident to the carriage of passengers, excess baggage, freight, and mail.

(b) Subsidiary accounts shall be maintained by individual agencies and by vessels and voyages.

152 Traffic accounts receivable—other.

(a) This account shall include accounts receivable from shippers, consignees, connecting carriers, and others (excluding related companies) arising incident to the carriage of passengers, excess baggage, freight and mail.

(b) Subsidiary accounts shall be maintained by individual debtors and by vessels and voyages.

(c) Receivables from any agent with whom assignments are made to disburse vessels from revenue collections shall not be included in this account, but shall be included in account 010, "Agents and branch houses."

153 Accounts receivable—affiliates.

(a) This account shall include the amounts receivable from related companies which are subject to current settlement, such as balances in open accounts for services rendered, materials furnished, traffic accounts, rents for use of property and similar items; also interest, dividends, loans, notes and drafts for which related companies are liable.

(b) Items which are not subject to current settlement shall be included in account 320, "Non-current accounts receivables—affiliated companies."

(c) Subsidary accounts shall be maintained by companies and shall show all essential details.

155 Claims receivable.

(a) This account shall include claims transferred from account 361, "Claims pending" and other adjusted claims collectible within one year.

(b) Subsidiary accounts shall be maintained in the names of the insurance underwriters, connecting carriers, or other entities with whom the claim has been filed and detailed as to the identity of the claims outstanding within each subsidiary account.

160 Accounts receivable—Maritime Administration—operating-differential subsidy.

This account shall include operating-differential subsidy accruals, expected to be collected within one year.

161 Accounts receivable—Maritime Administration—construction-differential subsidy.

This account shall include construction-differential subsidy accruals.

162 Accounts receivable—Maritime Administration—other.

This account shall include all other current receivables that may arise from transactions between the carrier and the Maritime Administration.

165 Accounts receivable—miscellaneous.

(a) This account shall include all accounts receivable from other than related companies for which no other account is specifically provided, including all amounts receivable from officers, employees and others, which are collectible in the ordinary course of business within one year.

(b) Subsidiary accounts shall be maintained by debtors.

168 Accrued accounts receivable.

(a) This account shall be used for periodic accruals of unmatured receivables such as interest, rents, dividends and charter-hires, provided; the collection thereof is reasonably assured by past experience, anticipated provisions, or otherwise.

(b) This account shall not be charged with accrued interest on securities on deposit in account 301 "Capital reserve fund" and account 302 "Capital construction fund," with accrued receivables from related companies, which are chargeable to account 153, "Accounts receivable—affiliates," or with dividends or other returns on securities issued by the company.

169 Estimated allowances for doubtful notes and accounts receivable.

This account shall be credited at the close of each accounting period with the amount charged to account 965 "Doubtful notes and accounts receivable" to provide for estimated uncollectible notes and accounts. For balance sheet purposes, the balance in this account shall be segregated between current and non-current items.

170 Inventories—shoreside.

(a) This account shall include the cost of all unissued and unapplied materials, articles in process of manufacture by the carrier, fuel, tools, stationery, and other stores and supplies, but excluding fuel, stores, and supplies on board vessels, and spare parts includable in account 362 "Spare parts on which construction-differential subsidy has been paid" and account 363 "Spare parts—other."

(b) The costs chargeable to this account are the actual costs of the material and supplies at point of free delivery, plus custom duties, sales and other taxes, insurance, inspection, special tests, loading and unloading, and transportation charges paid from the free point of delivery to the carrier's line. No charge shall be made to this account for the cost of transporting material and supplies when performed by the carrier.

(c) An annual inventory of material and supplies shall be taken, except in instances where inventories are waived by the Interstate Commerce Commission or the Maritime Administration, and the necessary adjustments made to bring this account into harmony with the actual inventory balance. In effecting such adjustments, differences for important classes of material shall be equitably assigned among the accounts to which such classes are ordinarily chargeable.

(d) This account shall be divided into the following sub-accounts: 171–175.

171 Vessels stores, supplies, and equipment ashore.

(a) This account shall include the cost of all stores, supplies, and equipment held for delivery to vessels including quantity purchases warehoused and delivered to vessels as required.

(b) Subsidiary accounts shall be so maintained as to show location of inventories.

172 Other shipping inventories.

(a) This account shall include the cost of all stores, supplies, and equipment held for use in the conduct of the shipping business, including terminal, cargo handling, tug and lighters, and other incidental shipping operations, for which no other account is specifically provided.

(b) Subsidiary accounts shall be maintained to show location of inventories.

173 Non-shipping inventories for sale.

This account shall include inventories of merchandise for sale by firms engaged in non-shipping enterprises and shall be maintained so as to show separately the major classes of inventory such as raw materials, work in process, and finished goods.

174 Non-shipping inventories for consumption.

This account shall include the cost of all stores, supplies and equipment, held for use in the conduct of non-shipping enterprises, other than merchandise for sale.

175 Miscellaneous inventories.

This account shall include the cost of all stores, supplies and equipment acquired for use in the conduct of the business which cannot be allocated as between shipping and non-shipping enterprises.

190 Other current assets.

This account shall be divided into the following sub-accounts: 191–193 and 199.

191 Prepaid current insurance.

This account shall include the unexpired amount of insurance premiums paid, or recorded as a liability in advance of payment, but only to the extent that such premiums apply to the period within one year of the date of the balance sheet and are properly chargeable within that period to appropriate 700, 800 or 900 series of accounts. This account shall be subdivided to show separately prepayments on the several classes of insurance.

192 Advances to officers and employees for expenses.

(a) This account shall include all amounts advanced to officers and employees for travel, entertainment, and similar expenses, from which such expenses are to be paid and accounted for. This account shall not include imprest and petty cash funds in fixed amounts held by employees and branch offices for the purpose of making minor expenditures.

(b) Subsidiary accounts shall be maintained by officers and employees, agents or branch offices.

193 Other prepaid current expenses.

This account shall include the amount of prepaid current expenses, such as interest, taxes, rentals, advertising, charter hire, and similar expense not otherwise specifically provided for, but only to the extent that such prepayments apply to the period within one year from the date of the balance sheet and are properly chargeable within that period to appropriate 700, 800 or 900 series of accounts. Minor items may be charged directly to the appropriate expense accounts.

199 All other current assets.

This account shall include the amount of assets of a current nature not includable in any of the foregoing current asset accounts. Subsidiary accounts shall be maintained so as to show separately each class of other current assets.

200 Deferred expenses—unterminated voyages.

When the accounts are maintained on a terminated voyage basis, the expense of voyages in progress at the end of an accounting period shall be transferred to this account from the related voyage expense accounts. Detail coding shall be maintained by individual vessel and related voyage.

300 Special funds and deposits.

This account shall be divided into the following sub-accounts: 301–310, and 312.

301 Capital reserve fund.

This account shall be subdivided as follows:

(a) *301–1 Cash and securities—non-trust.* This account shall be charged with cash and the value of securities approved for deposit in this fund, and shall be credited with withdrawals therefrom in accordance with the provisions of section 607(b) of the Merchant Marine Act, 1936, as amended, in effect prior to the enactment of Pub. L. 91–4691 (34 Stat. 1018) and under such rules and regulations as the Maritime Administration may issue from time to time. Subsidiary accounts are to be subdivided as to depositories or trustees, as the case may be, and further subdivided to show the amount of (1) cash and (2) marketable securities, and (3) Current balances of mortgages from the sale of vessels.

(b) *301–2 Discounts and premiums, non-trust.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in account 675, "Interest income," if it is the practice of the carrier to adjust that account to a yield basis. When such securities are disposed of, any balance applicable thereto in this account shall be transferred to account 301–1.

(c) *301–3 Common stock trust.* This account shall be charged with the amount of the non-trust portion of the capital reserve fund transferred to the capital reserve fund—common stock trust, the acquisition cost of common stock in which the trust is invested, the income, capital gains, and other principal, and shall be credited with withdrawals therefrom and capital losses in accordance with the provisions of section 607(d) of the Merchant Marine Act, 1936, as amended, in effect prior to the enactment of Pub. L. 91–469 (84 Stat. 1018) and under such rules and regulations as the Maritime Administration may issue. Subsidiary accounts of the capital reserve fund—common stock trust are to be maintained to record cash, common stocks, and other principal.

302 Capital construction fund.

This account shall be subdivided as follows:

(a) *302–1 Cash and securities.* This account shall be charged with cash and the value of securities deposited in this fund as determined in accordance with 26 CFR 3.2(g) and shall be credited with withdrawals therefrom in accordance with the provisions of section 607 of the Merchant Marine Act, 1936, as amended, and under such rules and regulations as the Maritime Administration may issue either independently or together with the Internal Revenue Service. Subsidiary accounts are to be subdivided as to depositories or trustees, as the case may be, and further subdivided to show the amount of (1) cash, (2) marketable securities and (3) current balances of mortgages from the sale of vessels, and further subdivided in accordance with sub-paragraph 607(e)(1) of the Act—namely, (A) capital account, (B) capital gain account, (C) ordinary income account.

(b) *302–2 Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in account 675, "Interest income," if it is the practice of the carrier of the adjust that account to a yield basis. When such securities are disposed of, any balance applicable thereto in this account shall be transferred to account 302–1.

303 Construction reserve fund.

(a) This account shall be charged with cash and the cost of approved securities deposited in such fund, and shall be credited with withdrawals therefrom in accordance with the provisions of section 511 of the Merchant Marine Act, 1936, as amended, and section 112(b) of the Internal Revenue Code, and other Internal Revenue Acts. It shall also include accretions on investments in such fund when retained therein.

(b) Subsidiary accounts are to be maintained as described in account 301.

304 Interest accruals for deposit in statutory funds.

This account shall include the periodic (not less frequent than annual) accruals of interest on cash and securities on deposit in account 301 "Capital reserve fund", account 302, "Capital construction fund" and account 303, "Construction reserve fund" with corresponding credit to account 675, "Interest income."

305 Insurance funds.

(a) This account shall include cash, marketable securities, and other quick assets placed on deposit or in the hands of trustees to guarantee the satisfaction of obligations for losses in instances where the carrier is a self-insurer in whole or in part.

(b) Subsidiary accounts shall be maintained by depositories or trustees, as the case may be, and further subdivided as to (1) cash, (2) marketable securities and (3) other quick assets.

306 Debt retirement funds.

(a) This account shall include cash, marketable securities, and other quick assets placed on deposit or in the hands of trustees as a sinking fund to meet obligations maturing in the future, or to carry out such operations as the retirement of preferred stock or the purchase of serial bonds.

(b) Subsidiary accounts shall be maintained by depositories or trustees, further subdivided to show cash or marketable securities, other quick assets and purposes of the fund.

307 Escrow Funds.

This account shall be charged with the amounts required to be deposited in the Escrow fund and credited with disbursements therefrom, in connection with the insurance or guarantee of obligations financed by sale of U.S. Government insured or guaranteed obligations, pursuant to the provisions of section 1111 of the Merchant Marine Act, 1936, as amended, the provisions of contracts or agreements entered into and regulations published by the Assistant Secretary of Commerce for Maritime Affairs. These funds shall be reported separately and maintained in accordance with such rules and regulations as the Assistant Secretary for Maritime Affairs may issue.

308 Construction funds.

This account shall be charged with the amounts required to be deposited therein, representing the difference between the principal of insured or guaranteed obligations and the principal amount required to be deposited in the escrow fund or such other amounts required by contracts or agreements, and shall be credited with authorized disbursements therefrom. These funds shall be reported separately and maintained in accordance with such rules and regulations as the Assistant Secretary of Commerce for Maritime Affairs may issue.

309 Other special funds.

(a) This account shall include cash, marketable securities, and other quick assets appropriated for replacement of unsubsidized vessels (except instances where account 303 "Construction reserve fund" is applicable), to fund reserves for pensions and any other special funds for which no specific account is provided.

(b) Subsidiary accounts shall be maintained for each class of fund by depositories or trustees, and further subdivided to show (1) cash, (2) marketable securities and (3) other quick assets.

310 Restricted funds.

This account shall be established at the time of the first deposit required therein, and shall be charged with deposits pursuant to the provisions of contracts or agreements. This account shall be credited with authorized withdrawals therefrom. These funds shall be reported separately and maintained in accordance with such rules and regulations as the Assistant Secretary of Commerce for Maritime Affairs may issue.

312 Special and guaranty deposits.

(a) This account shall include cash and marketable securities deposited to guarantee the performance of conference and similar agreements; also deposits in lieu of mortgaged property sold, and other trust deposits, to be held until equivalent property is acquired or pending other disposition. This account shall also include deposits on oil drums, ammonia cylinders and similar equipment.

(b) Subsidiary accounts shall be maintained by depositories.

315 Investments.

This account shall be divided into the following sub-accounts: 316, 319, 320, 325, and 328.

316 Securities of related companies.

This account shall include a company's investments in securities and shall be accounted for: (a) On the equity accounting basis in accordance with opinion number 18 of the Accounting Principles Board when the security held allow significant influence over the investee; (b) on the cost accounting basis when significant influence is not able to be exercised.

319 Non-current notes receivable—affiliated companies.

(a) This account shall include the amounts of all obligations in the form of notes receivable from affiliated companies which are not subject to current settlement; (b) Subsidiary accounts shall be maintained by companies and show all essential details.

320 Non-current accounts receivable—affiliated companies.

(a) This account shall include receivables from affiliated companies for other than services rendered, supplies furnished, and other transactions customarily subject to current settlement.

(b) Subsidiary accounts shall be maintained by companies and shall show all essential detail.

325 Cash value of life insurance policies.

This account shall include the cash surrender value of life insurance policies, under which the carrier is the beneficiary, less the amount of any loans which have been obtained on such policies and not repaid.

328 Other investments.

This account shall include investment advances to companies and individuals, and miscellaneous investments not provided for elsewhere.

330 Property and equipment.

(a) This account shall include the cost of acquisition or construction, including additions and betterments, of property and equipment owned by the carrier.

(b) This account shall be divided into the following subaccounts: 331, 332, 335—338, 341—359.

331 Floating equipment—vessels.

(a) This account shall include the cost of acquistion or construction and related capitalizable costs, including additions and betterments, of vessels and of appurtenances, furniture and fixtures necessary to equip them for service, including inspection, trial runs and tests. This account also includes those costs, if capitalizable for federal income tax determination directly incurred in placing the vessel into active service, limited to the direct vessel operating expense during the period from delivery of the vessel to arrival at the first loading berth.

(b) Capitalizable costs must be determined in accordance with applicable orders, rules and regulations prescribed or adopted by the Maritime Administration. Subsidiary accounts shall be maintained in such manner as to show by vessels the original cost to the carrier and cost of additions and betterments.

332 Accumulated depreciation—vessels.

(a) This account shall be credited with all depreciation on vessels charged to accounts 742 "Depreciation—vessels" and 842 "Depreciation—idle vessels."

(b) Credit to this account applicable to subsidized vessels shall be computed on an estimated useful life of twenty-five years, except in instances where some other basis is specifically authorized by the Maritime Administration, with such allowances for residual values as approved by that Administration, and in accordance with applicable orders, rules and regulations prescribed or adopted by the Maritime Administration. Subsidiary accounts shall be maintained by individual vessel.

335 Floating equipment—barges.

(a) This account shall include the cost of acquisition or construction and related capitalizable costs, including additions and betterments of barges carried aboard vessels (e.g., LASH, SEABEE or other) and of appurtenances and fixtures necessary to equip them for service, including inspection, trial runs and tests.

(b) Subsidiary accounts shall be maintained by the various types of barges.

336 Accumulated depreciation—barges.

(a) This account shall be credited with all depreciation charged to account 885 "Depreciation—barges."

(b) Subsidiary accounts shall be maintained by the various types of barges.

337 Other floating equipment.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of other floating equipment, such as tugs, barges (other than barges carried aboard vessels which are included in account 335 "Floating equipment—barges"), scows, launches, lighters, floating cranes, etc., and of appurtenances, furniture, and fixtures necessary to equip for service including inspection, trial runs and tests.

(b) Subsidiary accounts shall be maintained in such manner as to show the foregoing information by the various types of other floating equipment.

338 Accumulated depreciation—other floating equipment.

This account shall be credited with all depreciation charged to account 864 "Depreciation—other floating equipment." Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 337, "Other floating equipment."

341 Containers.

(a) This account shall include the cost of construction or acquisition of all

types of containers except refrigerated containers used for the shipping of cargo.

(b) Subsidiary accounts shall be maintained by the various types of containers within this category.

342 Accumulated depreciation—containers.

(a) This account shall be credited with all depreciation on containers which is charged to account 881 "Depreciation—containers."

(b) Subsidiary accounts shall be maintained by the various types of containers within this category.

343 Refrigerated containers.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of all types of refrigerated containers used for the shipping of cargo.

(b) Subsidiary accounts shall be maintained by the various types of containers within this category.

344 Accumulated depreciation—refrigerated containers.

(a) This account shall be credited with all depreciation on refrigerated containers which is charged to account 882 "Depreciation—refrigerated containers."

(b) Subsidiary accounts shall be maintained by the various types of containers within this category.

345 Container related equipment.

This account shall include the cost of construction or acquisition, including additions and betterments of all types of container related equipment, including container cranes, yard container movement equipment, generator sets and other auxiliary equipment and similar equipment.

346 Accumulated depreciation—container related equipment.

This account shall be credited with all depreciation on container related equipment which is charged to account 886 "Depreciation—container related equipment."

347 Chassis and trailer equipment.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of chassis equipment used in the local drayage and inland movement of cargo and cargo carrying equipment.

(b) Subsidiary accounts shall be maintained by the various types of chassis and trailer equipment within this category.

348 Accumulated depreciation—chassis and trailer equipment.

(a) This account shall be credited with all depreciation on chassis and trailer equipment which is charged to account 883, "Depreciation—chassis and trailer equipment."

(b) Subsidiary accounts shall be maintained by the various types of chassis and trailer equipment.

349 Terminal property and equipment.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of terminal, land, buildings, stevedoring and other cargo handling gear, repair yards, shore cranes, appurtenances, furniture and fixtures, and other terminal gear and equipment.

(b) Subsidiary accounts shall be subdivided between the various types of property and equipment, and shall be maintained in such manner as to show port location, original cost, and cost of additions and betterments.

350 Accumulated depreciation—terminal property and equipment.

(a) This account shall be credited with all depreciation on terminal property and equipment which is charged to account 859 "Depreciation—terminal property and equipment."

(b) Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 349, "Terminal property and equipment."

351 Other shipping property and equipment.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of land and buildings, appurtenances, furniture and fixtures, transportation equipment other than barges, containers and chassis and trailer and any other property and equipment used exclusively in shipping and auxiliary operations which are not properly chargeable to accounts 331, 335, 337, 341, 343, 345, 347, and 349.

(b) Subsidiary accounts shall be subdivided between the various types of property and equipment and maintained in such manner as to show location, original cost and cost of additions and betterments.

352 Accumulated depreciation—other shipping property and equipment.

(a) This account shall be credited with all depreciation on other shipping property and equipment (as described in account 351) which is charged to account 970, "Depreciation—other shipping property and equipment."

(b) Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 351, "Other shipping property and equipment."

353 Non-shipping property and equipment.

(a) In instances where companies are engaged in non-shipping enterprises, cost of all property and equipment which can be directly assigned to such non-shipping enterprises shall be included in this account, including cost of additions, betterments, fixtures, furniture and appurtenances.

(b) Subsidiary accounts shall be subdivided between the various types of non-shipping property and equipment, and maintained in such manner as to show location, original cost, and cost of additions and betterments.

354 Accumulated depreciation—non-shipping property and equipment.

(a) This account shall be credited with all depreciation on non-shipping property and equipment which is charged to account 971 "Depreciation—non-shipping property and equipment."

(b) Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 353, "Non-shipping property and equipment."

355 Office leaseholds and leasehold improvements.

(a) This account shall include the cost of acquiring long-term leases of office facilities and the cost of alternations thereto and fixtures installed in lease property.

(b) Subsidiary accounts shall be subdivided between the various types of property and equipment and maintained in such manner as to show location, original cost, and cost of additions and betterments.

356 Accumulated amortization—office leaseholds and leasehold improvements.

This account shall be credited with all amortization on office leaseholds and leasehold improvements which is charged to account 975 "Amortization—office leaseholds and leasehold improvements."

357 Terminal leaseholds and leasehold improvements.

(a) This account shall include the cost of acquiring long-term leases of terminals, the cost of alterations thereto and the cost of fixtures installed in leased terminal property.

(b) Subsidiary accounts shall be maintained by individual terminal.

358 Accumulated amortization—terminal leaseholds and leasehold improvements.

(a) This account shall be credited with all amortization on terminal leasehold and leasehold improvements which is charged to account 860 "Amortization—terminal leasehold and leasehold improvements."

(b) Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 357, "Terminal leasehold and leasehold improvements."

359 Construction work in progress.

(a) This account shall be charged with all payments incident to the costs on vessels or other transportation property in process of construction which are capitalized in accordance with generally accepted accounting procedures.

(b) Subsidiary accounts shall be subdivided as between the various kinds of construction, and maintained in such manner as to show type of construction and location. When the construction is completed, the cost thereof shall be

credited to the account and charged to the appropriate property accounts.

360 Other assets.

This account shall be divided into the following subaccounts: 361–364, 367, 368, 370, and 374.

361 Claims pending.

(a) This account shall include any claims in litigation, and insurance claims in process of compilation or adjustment. After adjudication of claims in litigation, or adjustment of insurance claims, this account shall be credited and a charge made to account 155 "Claims receivable." Deductible average insurance losses (if policies provide deductibles) should at the same time be transferred to account 570 "Estimated allowances for insurance."

(b) Subsidiary accounts shall be subdivided as between hull underwriters, protection and indemnity underwriters, general average claims connecting carriers, and such further classes as may be necessary. Each group of subsidiary accounts shall be maintained by vessels and voyages supported by sufficient detail to permit ready identification and analysis of each claim.

362 Spare parts on which construction-differential subsidy has been paid.

This account shall include the acquisition cost (or other applicable basis) of shore side spare parts and equipment upon which construction-differential subsidy has been paid, such as propellers and tail shafts held for future installation on vessels of the carrier.

363 Spare parts—other.

This account shall include the acquisition cost (or other applicable acquisition basis) of shore side spare parts and equipment for which construction-differential subsidy has not been paid, such as propellers, propeller blades, tail shafts, pumps, rudders, hoisting engines, generators, rotors, anchors, etc. held for future installation on vessels of the carrier, the individual minimum gross book value of which is not less than $1,000.

364 Notes and accounts receivable from officers and employees.

This account shall include all amounts due from officers, directors, and employees other than (a) unpaid subscriptions to capital stock and (b) amounts collectible in the ordinary course of business within one year. Records supporting entries to this account and subsidiary accounts shall be maintained as to show separately such major classes as officers' personal accounts, employees' salary advances, and amounts due for such items as group insurance and retirement annuity deposits. The records referred to in this section shall be retained in accordance with the provisions of § 380.24 of this chapter.

367 Deferred operating-differential subsidy receivable.

This account shall include that part (if any) of accrued operating-differential subsidy receivable, the payment of which is withheld by the Maritime Administration pursuant to Pub. L. 862, 80th Congress, or any subsequent legislation having the same or substantially similar force and effect.

368 Other non-current notes and accounts receivable.

(a) This account shall include all non-current receivables from other than officers, employees, or related companies, which, by agreement, are not collectible within one year. It shall include the non-current portion of Operating-Differential Subsidy due from the Maritime Administration.

(b) Subsidiary accounts shall be maintained by individual debtors.

370 Maritime Administration allowance for obsolete vessels.

This account shall include the gross amounts allowed by the Maritime Administration for obsolete vessels traded in, except where the obsolete vessel is retained under a Use Agreement, in which case this account is charged with the net trade-in allowance. Credit this account and charge account 359 "Construction work in progress" with the amount of progress payments on new construction made by the Maritime Administration for the account of the purchaser (operator).

374 Miscellaneous other assets.

This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason; funds on deposit with closed banks; and all other deferred items not covered by other deferred asset accounts.

375 Deferred charges and prepaid expenses.

This account shall be divided into the following sub-accounts: 376, 384, 385, and 389.

376 Prepaid long-term insurance.

This account shall include the cost of insurance premiums prepaid or recorded as a liability in advance of payment, but only to the extent that such premiums apply to a period more than one year following the date of the balance sheet. The proportions of the same premium payments properly chargeable to expenses prior to such period are provided for in account 191 "Prepaid current insurance." This account shall be subdivided to show separately prepayments on the several classes of insurance.

384 Debt discount and expense.

(a) This account shall include all discount and expense for all classes of funded debt. The debt and expense shall be amortized periodically over the respective lives of the securities by charge to account 976 "Amortization—debt discount and expense."

(b) When an issue of funded debt, or any part thereof, is refunded and at the date of refunding there is a balance of unamortized discount and expense relating to such issue, such balance, together with any premium paid in retiring such issue, shall be charged to account 990 "Miscellaneous expense" or to account 995 "Extraordinary items," as may be appropriate, in accordance with the text of these accounts.

385 Organization expenses.

This account shall include the unamortized balance of expenses incurred in the formation and development of the business. The balance of this account shall be amortized by annual charges to account 977 "Amortization—organization expense."

389 Deferred prepayments and other deferred charges.

This account shall include the amount of prepaid expenses such as interest, taxes, rentals, advertising, charter hire, and similar expense not otherwise specifically provided for in accounts 384, and 385, but only to the extent that such prepayments apply to a period more than one year following the date of the balance sheet. The proportions of the prepayments and other deferred charges in this account, properly chargeable to expenses prior to such period are provided for in account 193, "Other prepaid current expenses." Minor items and nominal payments covering such expenses may be charged directly to the appropriate expense accounts, even though they relate to periods in excess of one year.

390 Goodwill and other intangible assets.

This account shall be divided into the following sub-accounts: 391, 398 and 399.

391 Goodwill.

This account shall include only Goodwill actually purchased in taking over assets, trade name, etc., calculated to enhance future profits of the business.

398 Other intangible assets.

This account shall include the purchase price or costs of development of such intangible assets as patents, copyrights, operating rights, etc.

399 Accumulated amortization—other intangible assets.

This account shall be credited with all amortization on other intangible assets which is charged to account 979 "Miscellaneous amortization expense."

(B) Liability Accounts

ACCOUNT

400 Notes payable.

(a) This account shall include the face value of notes, drafts, and other evidences of indebtedness issued by the carrier (except interest coupons) which are payable on demand or within one year.

(b) This account shall be divided into the following subaccounts: 401, 410 and 414.

401 Bank loans.

Subsidiary accounts shall be subdivided by lender to show separately (a)

amount secured and (b) amount unsecured.

410 Insurance notes.

This account shall include the face amount of notes issued by the company to cover deferred payments of insurance premiums. This account shall be maintained by creditor to show (a) notes secured and (b) notes unsecured.

414 Other short-term notes.

This account shall include notes payable within one year, for which no other account is specifically provided, but excluding notes issued to related companies. This account shall be maintained by creditor to show (a) notes secured and (b) notes unsecured.

415 Notes and accounts payable—affiliates.

(a) This account shall include notes and accounts payable to affiliated companies which are subject to settlement within one year, such as credit balances in open accounts for services rendered, materials furnished, traffic accounts, claims, rents and for interest, dividends, loans, notes, and drafts.

(b) No amount representing dividends payable shall be included in this account unless they have been declared.

(c) Items which are not subject to current settlement shall be included in account 541 "Non-current payables—affiliated companies."

(d) Subsidiary accounts shall be maintained by companies and shall show all essential detail.

420 Accounts payable.

This account shall be divided into the following sub-accounts: 421, 422, 428, 430, 431, 438, 439.

421 Accounts payable—trade.

This account shall include all liabilities currently due to trade creditors for services rendered and supplies furnished in the general conduct of the business.

422 Accounts payable—traffic.

This account shall include exchange orders and other amounts due connecting carriers, freight and passenger brokerage, amounts due for hotel reservations and sightseeing tours, custodian funds payable such as head taxes, freight and passenger manifest stamp taxes, consular fees; advance, prepaid beyond, and transshipping charges, and claims payable, but excluding amounts due related companies.

428 Accounts payable—officers and employees.

This account shall include amounts due to officers, directors, individual stockholders, and employees, which are payable within one year.

430 Accounts payable—Maritime Administration.

This account shall include all current accounts payable to the Maritime Administration, including accrued interest, that arise from transactions with that agency.

431 Pension and welfare funds payable.

This account shall include the liability of the carrier for the amount of assets (whether contributed by the carrier or by the employees) in the hands of the treasurer or of a trustee or manager as the administrator of employees' pension, savings, relief, hospital, or other association funds.

438 Dividends payable.

This account shall include the amount of dividends declared on actually outstanding capital stock, unpaid at the date of the balance sheet except dividend payable to related companies which shall be reflected in account 415 "Notes and accounts payable—affiliates."

439 Accounts payable—miscellaneous.

This account shall include all current accounts payable to other than related companies, including unclaimed wages, taxes withheld or collected from others for the account of taxing agencies, and other items for which no other account is specifically provided.

440 Accrued Liabilities.

This account shall be divided into the following subaccounts: 441–447 and 459.

441 Accrued voyage payrolls.

This account shall include the accruals of voyage wages payable.

442 Accrued payrolls—other.

This account shall include the accruals of all other wages payable.

443 Accrued liability for Federal income taxes.

This account shall include the accruals for federal income taxes payable.

444 Accrued liability for state and local taxes based upon income.

This account shall include the accruals for state and local income taxes payable based upon income.

445 Accrued liability for foreign taxes.

This account shall include the accruals for foreign taxes payable.

446 Accrued liability for payroll taxes.

This account shall include the accruals for the employer's portion of payroll taxes payable and amounts withheld from employees wages.

447 Accrued liability for other taxes.

This account shall include the accruals for all other taxes payable for which no other account has been specifically provided.

459 Other accrued accounts payable.

(a) This account shall include periodical accruals of amounts payable other than taxes.

(b) Subsidiary accounts shall be maintained as between (1) interest, (2) rentals and (3) such other items as frequently occur.

479 Other current liabilities.

(a) This account shall include all current liabilities for which no other account has been specifically provided.

(b) Subsidiary accounts shall be maintained to show separately each class of current liability.

495 Advance ticket sales and deposits.

(a) This account shall include the credit balance remaining in account 025, "Collections and deposits for passenger transportation," after the balances in the account, have been analyzed and those relating to completed transactions have been transferred to the appropriate other accounts designated in the chart.

500 Deferred revenues—unterminated voyages.

When the accounts are maintained on a terminated voyage basis, the revenue of voyages in progress at the end of an accounting period shall be transferred to this account from the related voyage revenue accounts. Detail coding shall be maintained by individual vessel and related voyage.

525 Long-term debt.

This account shall be divided into the following subaccounts: 526, 527, 530, and 534.

526 Mortgage notes—Maritime Administration.

(a) This account shall include all mortgage notes payable to the Maritime Administration.

(b) Subsidiary accounts shall be maintained by vessel.

527 U.S. Government insured or guaranteed merchant marine bonds and notes.

This account shall include all U.S. Government insured or guaranteed merchant marine bonds and notes issued pursuant to the provisions of contracts or agreements. Subsidiary accounts shall be maintained by vessel.

530 Other bonds and debentures.

This account shall include the face amount of bonds and debentures not provided for in other accounts and shall be maintained to show full particulars in respect to each issue outstanding. Reacquired bonds and debentures shall be charged to this account at face amount.

534 Other long-term debt.

This account shall include all long-term obligations, excluding amounts due related companies, for which no other account has been specifically provided, and shall be subdivided to show separately long-term obligations secured by capital assets and unsecured long-term debt.

540 Other long-term liabilities.

This account shall be divided into the following sub-accounts: 541, 549, 550, and 554.

541 Non-current notes and accounts payable—affiliates.

(a) This account shall include all loans, advances, and other payables to related companies not subject to current settlement.

(b) Subsidiary accounts shall be maintained by companies and shall show all essential detail.

549 Non-current notes and accounts payable—officers and employees.

This account shall include all notes and accounts payable to officers, directors, individual stockholders, and employees, which by arrangement become due later than one year from the balance sheet date.

550 Recapturable profits—Maritime Administration.

If excess profits accrue to the Maritime Administration under the "recapture" provisions of sections 606 and 607 of the Merchant Marine Act, 1936, as amended, in effect prior to the enactment of Pub. L. 91-469 (84 Stat. 1018), such profits shall be credited to this account at the close of each accounting period within a recapture period, adjusted so as to reflect the net amount of such excess profits accrued to the Maritime Administration as at that date.

554 Miscellaneous other long-term liabilities.

This account shall include all long-term liabilities for which no other account has been specifically provided.

555 Deferred credits.

This account shall be divided into the following subaccounts: 556, 563 and 564.

556 Premium on funded debt.

(a) This account shall include premiums for all classes of funded debt which are to be amortized periodically over the respective lives of the securities by credit to account 691 "Release of premium on long-term debt."

(b) When an issue of funded debt or any part thereof is refunded and at the date of refunding there is a balance of unamortized premium relating thereto, the amount of such balance shall be credited to account 690 "Miscellaneous other income" or account 995 "Extraordinary items," as may be appropriate.

563 Accumulated deferred income taxes.

This account shall be charged or credited with all amounts affecting the determination of deferred income taxes.

564 Miscellaneous deferred credits.

This account shall include all deferred income and unadjusted credits for which no other account is specifically provided.

565 Estimated operating allowances.

This account shall be divided into the following subaccounts: 566, 570 and 579.

566 Estimated allowances for repairs.

(a) This account shall be credited and account 740 "Vessel repairs—domestic" charged, when allowances are provided for equalization of domestic repairs to vessels. As actual domestic repair expenses are incurred, they shall be charged to this account. At the end of the accounting year, after all repair expenses incurred and all commitments against terminated voyages have been recorded, any balance in this account, applicable to terminated voyages shall be distributed equitably to such voyages in account 740, "Vessel repairs—domestic."

(b) Subsidiary accounts shall be maintained by vessel and consecutively by voyage.

(c) Repair expenses incurred at foreign ports shall be charged directly to account 741 "Vessel repairs—foreign."

570 Estimated allowances for insurance.

(a) Agreed amounts for Marine and P&I Insurance deductibles (if provided in the policies) should be charged to each voyage in the appropriate vessel insurance expense account and the corresponding credits posted to this account. When the amount within the deductibles average chargeable against each voyage is determined, it should be transferred from account 361 "Claims pending" as a charge to this account.

(b) This account may also be used for equalization of other insurance risks assumed by the carrier, as for example, self-carried workmen's compensation, and public liability insurance. At the end of each accounting year, any balance in this account applicable to voyages, terminated during the preceding accounting year, in those instances where the records indicate that all claims have been settled, shall be transferred to the appropriate insurance expense account, consistent with paragraph (j) of the General Instructions.

(c) Subsidiary accounts shall be maintained by the various classes of insurance for which provisions are made and shall be arranged by vessel and consecutively by voyage.

579 Estimated operating allowances—miscellaneous.

(a) This account shall include all provisions for the equalization of operating expenses for which no other allowance account is specifically provided.

(b) Subsidiary accounts shall be maintained by the various classes of expense arranged by vessels and consecutively by voyages, or by other accounting units.

580 Owners' equity.

This account shall be divided into the following sub-accounts: 581, 585, 587, 590, 591, 598, and 599.

581 Capital stock—issued and outstanding.

(a) This account shall include the par value, or for stock without par value the stated money value of the consideration received, of capital stock or other form of proprietary interest in the carrier which has been issued to purchasers and has not been reacquired and canceled. It shall also include stock issued representing appropriations of surplus for stock dividends. When capital stock is retired, this account shall be charged with the book value at which such stock is recorded herein.

(b) Recordings supporting the entries to this account shall be maintained to show the various classes and series of capital stock.

(c) A separate record shall be kept for each subclass of stock showing the number of shares authorized by the articles of incorporation and amendments, the number of shares issued, the number of shares reacquired, the number of shares canceled, the number of shares outstanding, and their book value.

585 Capital stock subscribed.

This account shall include the amount of subscriptions to capital stock of the carrier. It shall be credited with the par value, or with the subscription price of stock without par value, exclusive of dividends, if any. Concurrently, account 135 "Subscriptions to capital stock" shall be debited with the agreed price and any discount or premium shall be included in the appropriate account. When properly executed stock certificates are issued, this account shall be debited and account 581 "Capital stock—issued and outstanding" credited.

587 Discount on capital stock.

(a) This account shall include the discount incurred in connection with the sale of capital stock. Records supporting the entries to this account shall be maintained to show the discount and commissions on each class and series of capital stock.

590 Additional paid-in capital.

(a) This account shall include the amount of capital donated or paid-in as additional capital (including premiums and assessments on capital stock) and also gains from reacquired or donated shares of capital stock, from forfeiture of subscriptions and from reduction of the par or recorded value of capital stock.

591 Treasury stock.

This account shall be charged with the acquisition cost of all shares of capital stock of the corporation which have been issued and fully paid and thereafter have been reacquired by the corporation through purchase, donation or otherwise not properly includable in sinking or other funds and have not been formally cancelled in conformance with opinion number 6 of the Accounting Principles Board.

598 Retained earnings—restricted.

(a) Retained earnings restricted from distribution by agreement with others shall be credited to this account with a corresponding charge to account 599 "Retained earnings—unrestricted."

(b) Subsidiary accounts shall be maintained by classes of restrictions.

599 Retained earnings—unrestricted.

(a) All nominal accounts at the end of the accounting year shall be closed to this account.

(b) Any part of retained earnings restricted from payment as dividends shall be charged to this account, including excess profits accruing to the Maritime Administration under the "recapture" clauses in sections 606 and 607 of the

Merchant Marine Act, 1936, as amended, in effect prior to the enactment of Pub. L. 91-469 (84 Stat. 1018), which shall be credited to account 550 "Recapturable profits—Maritime Administration."

(c) This account shall include other adjustments, net of assigned federal income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Maritime Administration.

Revenue Accounts

(A) Ordinary Items

ACCOUNT

600 Vessel revenue.

(a) This account shall be credited with all revenue from vessel operations. Revenue items applicable to voyages in progress at the end of each accounting period shall be transferred to account 500 "Deferred revenues—unterminated voyages." Revenue items arising in connection with voyages terminated in prior years shall be accounted for as ordinary delayed items pursuant to paragraph (k) of the General Instructions.

(b) Subsidiary accounts shall be maintained by vessels and consecutively by voyages, according to the classification of revenues, as shown in the chart of accounts. Subsidiary accounts shall be subdivided according to:

(1) Cargo carriage technology type.

(2) Refrigerated and nonrefrigerated cargoes.

(3) Military procurement from competitive bid systems.

(4) Military other.

(5) Outward, intermediate and inward voyage legs.

(c) For purposes of postings in subsidiary accounts, coastwise and intercoastal service shall be deemed to be all commerce conducted by vessels between points in the United States, including Districts, Territories and possessions thereof embraced within the coastwise laws, and foreign commerce shall be deemed to be all commerce conducted by vessels over the seas other than coastwise and intercoastal commerce. Operators receiving operating-differential subsidy shall expand the subdivision in their subsidiary accounts to show, separately, revenue earned on coastwise and intercoastal legs of voyages as described in section 605(a) of Title VI of the Merchant Marine Act, 1936, as amended, as well as commerce between points in the United States including Districts, Territories, and possessions thereof and Puerto Rico embraced within the coastwise laws.

(d) The same subsidiary ledger forms may be used for both account 500 and account 600, and the sheets may be physically transferred or the totals by classification transferred to new sheets, as the carrier elects.

(e) This account shall be divided into the following subaccounts: 601, 605, 608, 612, 620, and 624.

601 Freight—foreign.

(a) This account shall include all revenue accruing from the transportation of freight based upon tariff rates or in the absence of tariff provisions on basis of contracts.

(b) It will also include the surcharge on freight revenue.

(c) It shall be charged with refunds due to errors in classification or computation of rates and charges; refunds due to errors in routing or shipping freight to the extent not reimbursed by insurance refunds and uncollectible charges on lost, damaged or destroyed freight shipments; and with refunds of overcharges assumed by the carrier under the voucher minimum.

605 Freight—coastwise and intercoastal.

(a) This account shall include all revenue accruing from the transportation of freight based upon tariff rates or in the absence of tariff provisions on the basis of contracts.

(b) It will also include the surcharge on freight revenue.

(c) It shall be charged with refunds due to errors in classification or computation of rates and charges; refunds due to errors in routing or shipping freight; refunds and uncollectible charges on lost, damaged or destroyed freight shipments to the extent not reimbursed by insurance and with refunds of overcharges assumed by the carrier under the voucher minimum.

608 Passenger—foreign.

(a) This account shall include all revenue accruing from the transportation of passengers based upon tariff rates. It shall include the revenue from transportation of passengers, the rental of staterooms, berths, or living accommodations and the furnishing of meals.

(b) The credits to this account shall be subdivided as follows among (1) revenue from passenger fares, (2) revenue from staterooms, (3) revenue from meals, and (4) revenue that cannot be separated among items (1), (2) and (3) of this paragraph.

612 Passenger coastwise and intercoastal.

(a) This account shall include all revenue accruing from the transportation of passengers based upon tariff rates. It shall include the revenue from transportation of passengers, the rental of staterooms, berths, or living accommodations, and the furnishing of meals.

(b) The credits to this account shall be subdivided as follows among (1) revenue from passenger fares, (2) revenue from staterooms, (3) revenue from meals, and (4) revenue that cannot be separated among items (1), (2) and (3) of this paragraph.

620 Charter revenue.

This account shall include revenue from the charter of vessels to others when the amount receivable for charter is not directly related to and dependent upon the commodities and volume transported, such as bareboat and time charters. Compensation is usually based upon daily or monthly hire of the vessel.

624 Other voyage revenue.

This account shall include all revenue accruing from other services by and activities aboard vessels, not otherwise provided for, such as:

Advances, prepaid beyond and manifest transactions, net credit.
Assisting vessels in distress or salvage.
Barber shop and other services to passengers aboard vessels.
Concessions aboard vessels granted to others.
Demurrage and dispatch.
Excess baggage.
Parcel rooms aboard vessels.
Radio service aboard vessels.
Refrigeration aboard vessels.
Rent from steamer chairs and other equipment to passengers.
Sale of periodicals and newsstand supplies to passengers.
Sale of buffet and bar supplies to passengers, net credit.
Sale of slop chest supplies to crew, net credit.
Refreshment, weighing and all other vending machines aboard vessels.

(B) Subsidies

ACCOUNT

625 Operating-differential subsidy.

(a) This account shall be credited with sums accruing to the carrier under the subsidy provisions of the operating-differential subsidy agreement.

(b) Subsidiary accounts shall be maintained by vessels and consecutively by voyages.

(C) Other Shipping Revenues

ACCOUNT

640 Collections from pools.

This account shall be credited with collections for each accounting period in accordance with pooling agreements by transfer from account 055, "Pool participation."

645 Revenue from terminal operations.

(a) This account shall include all revenue derived from the rental, lease, or use by others of the carrier's terminal facilities, including dockage, side wharfage, top wharfage, storage, doorways, lights, water, protective service, refrigeration, precooling, and similar service.

(b) Subsidiary accounts shall be maintained to show separately for each terminal the different kinds of revenues earned.

650 Revenue from cargo handling operations.

(a) This account shall include all revenue derived from the performance by the carrier for others of stevedoring and other cargo handling services, such as checking, tallying, receiving, delivering, coopering, loading, and discharging cargo; also use of gear, equipment, etc.

(b) Subsidiary accounts shall be maintained to show separately for each port the different kinds of revenues earned.

655 Revenue from tug and lighter operations.

(a) This account shall include all revenue derived from services performed for others by the carrier's tugs, lighters, barges, scows, launches, floating cranes and other equipment, including rental and charter hire for use of such equipment.

(b) Subsidiary accounts shall be maintained to show separately for each port the different kinds of revenues earned.

660 Revenue from container related operations.

This account shall include all revenue derived from container related operations such as income from inland haulage of military containers, container detention charges and container interline billings.

(b) Subsidiary accounts shall be maintained to show separately for each port the different kinds of revenues earned.

665 Revenue from other shipping operations.

(a) This account shall be credited with gross revenue derived from the performance of repairs, and any other services or operations for others which are incidental to the shipping business and for which no other account is specifically provided.

(b) Subsidiary accounts shall be maintained to show separately for each port the different kinds of revenues earned.

670 Agency fees, commissions, and brokerage earned.

(a) This account shall include revenues received from others covering gross agency fees, commissions, and brokerage, less amounts paid to sub-agents therefrom.

(b) Subsidiary accounts shall be maintained by offices, and postings shall show sources of earnings and classification thereof such as agency fees, management and operating commissions, freight brokerage, passenger brokerage, and names of sub-agents in instances where such payments are charged to this account.

(D) OTHER REVENUE ACCOUNTS

ACCOUNT

675 Interest income.

(a) This account shall be credited with all interest accrued. This account shall be charged with amortization of any premium and shall be credited with accumulation of any discount on securities at the time of accrual or collection of interest thereon.

(b) Interest shall not be credited before actual collection unless its payment is reasonably assured by past experience, guaranty, anticipated provisions, or otherwise.

(c) This account shall not include interest on securities issued or assumed and owned by the carrier.

(d) This account shall be divided into sub-accounts representing sources of significant interest income. Interest from affiliated companies must be identified.

685 Dividend income.

(a) This account shall be credited with all dividends received. Dividends may be credited prior to actual collection if their payment is reasonably assured by past experience, guaranty, anticipated provisions, or otherwise. This account shall not include dividends on the carrier's own capital stock.

(b) This account shall be divided into sub-accounts representing sources of significant dividend income.

690 Miscellaneous other income.

(a) This account shall include all income not provided for elsewhere, such as:

Gain from conversion of foreign currencies (Transferred from account 050, "Foreign exchange account")
Fees collected in connection with exchange of coupon bonds for registered bonds
Gain from sale of securities
Gain from sale of shipping and nonshipping property
Gain from company bonds reacquired

(b) When the gain from the sale of property, equipment or securities, or from reacquisition of the company's own bonds is of an amount sufficiently large to constitute an extraordinary item, pursuant to paragraph (k), of the General Instructions, such gain shall be credited to account 995, "Extraordinary items."

691 Release of premium on long-term debt.

This account shall include for each fiscal period such proportion of the premium on funded debt as is transferred from account 556, "Premium on funded debt."

695 Revenue from non-shipping operations.

(a) This account shall include the gross income derived from ventures other than shipping and shipping auxiliary operations.

(b) Separate accounts shall be maintained for each enterprise and location.

697 Income from affiliated companies.

This account shall be debited or credited with the following:

(a) The accounting company's share of the current earnings or losses of affiliated companies and corporate joint ventures required to be accounted for under equity accounting.

(b) The amortization of any difference between the costs of an investment and the equity of the accounting company in the net assets of the investee.

Operating Expenses

(A) DIRECT VESSEL EXPENSES

(a) Accounts 701–749 shall be charged with all direct expenses of operation and maintenance of all vessels, for terminated and unterminated voyages.

(b) Expenses incurred for vessels in idle status shall be included in the 800 series accounts.

(c) Subsidiary accounts shall be maintained by vessels and consecutively by voyages, according to the classification of expense as shown in the chart of accounts.

(d) The same subsidiary ledger forms may be used for both account 200 and the 700 series of accounts, and the sheets may be physically transferred or the totals, by classifications, transferred to new sheets, as the carrier elects.

(e) At the conclusion of the accounting period, all items relating to unterminated voyages shall be transferred to account 200, "Deferred expenses, unterminated voyages."

(f) Expenses shall be charged according to the provisions of paragraph (k) of the General Instructions.

ACCOUNT

701 Crew wages.

This account shall include salaries and wages of masters, officers, pursers, radio operators, relief crews and other members of crews of vessels including:

(a) Regular wages.
(b) Overtime.
(c) Split wages (overlap).
(d) Bonus.
(e) Shifting allowance.
(f) Extra wages.
(g) Travel wages.
(h) Accrued wage adjustments.
(i) Crew transportation.
(j) Non-watch pay.
(k) Board and lodging.

703 Crew fringe benefits.

This account shall include all compensation to crew members other than salaries and wages. Such compensation will include, but is not limited to, vacation pay, sick leave, retirement and pension, group insurance, welfare plans, medical center contributions and joint committee payments.

704 Union payments unrelated to the crew.

This account shall include all payments to unions, such as quid pro quo and compensatory payments, made for agreed upon crew reductions.

708 Payroll taxes.

This account shall include taxes computed on the basis of a payroll such as old age benefits, unemployment compensation and similar social security taxes.

710 Domestic subsistence.

This account shall include the cost (including sales taxes and delivery and inspection charges thereon) of all edibles (but not bar and slop chest supplies and water) purchased in the United States and its Territories and possessions except the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam (excluding purchases out of bond) for consumption by passengers, officers, and crews of vessels.

714 Foreign subsistence.

This account shall include the cost (including sales taxes and delivery and inspection charges thereon) of all edibles (except bar and slop chest supplies and water) purchased in foreign countries or in the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam, or purchased in the United States out of bond, for consumption by passengers, officers and crew of vessels.

715 Domestic consumable stores, supplies and equipment.

This account shall include the cost (and related sales tax and delivery

and inspection charges thereon) of all consumable stores and supplies and expendable equipment (other than edibles, bar and slop chest supplies, fuel, and water) purchased in the United States and its Territories and possessions, except the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam (excluding purchases out of bond), for use aboard vessels. The term "expendable equipment" includes all tools, utensils, instruments, small machinery, and paraphernalia of a portable or removable nature, as distinguished from "permanent equipment" fastened to the vessel or installed as an integral part thereof, and spares required by the classification societies. The cost of such permanent equipment and spares shall be included in account 740 "Vessel Repairs—Domestic," or account 741 "Vessel Repairs—Foreign."

716 Foreign consumable stores, supplies and equipment.

This account shall include the cost (including related sales taxes and delivery and inspection charges thereon) of all consumable stores and supplies and expendable equipment (other than edibles, bar and slop chest supplies, fuel, and water) purchased in foreign countries or in the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef and the Island of Guam, or purchased in the United States out of bond, for use aboard vessels.

725 Other maintenance expense.

This account shall include such expenses as laundry and pressing services; wages of shoregang labor for cleaning, painting, scraping, or other vessel-upkeep services usually performed by the crew; inspection service charges; and the cost of maintaining expendable equipment, such as adjusting compasses, rating chronometers, retinning utensils, mending linens, upholstering chairs, repairing typewriters, and other such expenses.

730 Insurance—hull and machinery.

This account shall include the cost of hull and machinery insurance, such as premiums, deductibles, and provision for deductible average losses.

732 Insurance—protection and indemnity.

This account shall include the costs of protection and indemnity insurance, such as premiums, personal injury claims, illness claims, cargo claims, provision for deductible average losses and Second Seamen's insurance premiums.

734 Insurance—other marine-risk.

This account shall include the premiums on all classes of marine-risk coverage carried by the carrier which are not properly chargeable to account 730 "Insurance—Hull and Machinery," and account 732 "Insurance—Protection and Indemnity."

735 Vessel fuel.

This account shall include the cost of fuel and of services and facilities incident to delivery, inspection and trimming thereof.

740 Vessel repairs—domestic.

This account shall include the cost of repairs (not recoverable from insurance) directly attributable to replacement by duplication of, or restoration to satisfactory condition of, damaged or worn parts of vessels, machinery, and equipment which are integral parts of vessels, including the purchase of permanent equipment and spares required by the classification societies, in the United States and its Territories and possessions, except the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam. The cost of repairing or servicing expendable equipment shall be included in account 725 "Other maintenance expense."

741 Vessel repairs—foreign.

This account shall include the cost of repairs (not recoverable from insurance) directly attributable to replacement by duplication of, or restoration to satisfactory condition of, damaged or worn parts of vessels, machinery and equipment which are integral parts of vessels, including the purchase of permanent equipment and spares required by the classification societies, in foreign countries or in the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam.

742 Depreciation—vessels.

This account shall include the accrual of depreciation of vessels owned by the carrier with a corresponding credit to account 332, "Accumulated depreciation—vessels."

743 Time and trip charter hire.

This account shall include the charter payments for hiring vessels from non-affiliated companies on a time or trip basis.

744 Time and trip charter hire—affiliates.

This account shall include the charter payments for hiring vessels from affiliated companies on a time or trip basis.

745 Short term bareboat charter hire.

This account shall include the rental or lease payments for hiring vessels from non-affiliated companies on a bareboat basis for periods of one year or less.

746 Short-term bareboat charter hire—affiliates.

This account shall include the rental or lease payments for hiring vessels from affiliated companies on a bareboat basis for periods of one year or less.

747 Long-term bareboat charter hire.

This account shall include the rental or lease payments for hiring vessels from non-affiliated companies on a bareboat basis for periods of over one year.

748 Long-term bareboat charter hire—affiliates.

This account shall include the rental or lease payments for hiring vessels from affiliated companies on a bareboat basis for periods of over one year.

749 Other vessel expenses.

This account shall include all miscellaneous expenses directly incident to the operation of vessels which are not properly chargeable to other vessel account classifications, such as:

(a) Expenses of masters.
(b) Expenses of pursers.
(c) Radio equipment rental.
(d) Seaworthy certificate.
(e) Vessel communications.
(f) Water.

(B) ALLOCATED VOYAGE EXPENSE

(a) The practice of terminated voyage accounting requires the allocation to a voyage of indirect costs incurred as a result of operating and maintaining containers and barges as well as terminals. The following accounts represent the container and barge expense and the indirect terminal expenses allocated to terminated and unterminated voyages.

(b) Subsidiary accounts shall be maintained by vessel and consecutively by voyage.

ACCOUNT

750 Allocated container and barge expense.

(a) This account shall be maintained by those operators engaged in the practice of terminated voyage accounting and shall be charged monthly for all container and barge expenses charged to accounts 867 through 894, except for accounts 881 through 886 which will be included in the Water Line Operating Revenue and Expense Statement, with a corresponding credit to account 899, "Allocated container and barge expense—contra."

(b) Subsidiary accounts shall be maintained by vessel and consecutively by voyage.

751 Allocated terminal expense.

(a) This account shall be maintained by those operators engaged in the practice of terminated voyage accounting and shall be charged monthly with all indirect terminal expenses allocated to vessels and related voyages with a corresponding credit to account 866, "Allocated terminal expense—contra" except for accounts 859, 860 and 864 which will be included in the Water Line Operating Revenue and Expense Statement.

(b) Subsidiary accounts shall be maintained by vessel and consecutively by voyage.

(C) PORT EXPENSE

(a) Accounts 752–772 shall be charged with all direct expenses related to (1) the movement of cargo to and from

ships, and (2) port expenses incurred in the docking and undocking of ships.

(b) Subsidiary accounts shall be maintained by individual port, by vessel and consecutively by voyages and in some cases by cargo technology type.

ACCOUNT

752 Cargo handling—loading/discharging.

(a) This account shall include the cost of removing and handling break bulk, bulk, container, and vehicle cargo from the pier or in pier sheds, or from cars, barges, lighters, scows, or booms alongside, and stowing the same in or on any part of the vessel, and the cost of discharging cargo from any part of the vessel onto the pier or into pier sheds, or into or on cars, lighters, scows, or booms alongside the vessel and piling the same on the pier or in pier sheds, such as:

1. Straight time.
2. Overtime.
3. Extra labor.
4. Fringe benefits.
5. Union contributions.
6. Detentions.
7. Transportation, travel & meals.
8. Lashing/unloading.
9. Crane rental.
10. Clerk/tally.
11. Contractors commodity charges.
12. Outside contractors terminal charges.
13. Dunnage, pallets.
14. Shoring and unshoring.
15. Watchmen.

(b) Detail coding shall be maintained by cargo carriage technology types.

(c) Loading or discharging of cargo to and from LASH on SEABEE barges shall be charged to account 753, "cargo handling—loading/discharging barges."

753 Cargo handling—loading/discharging barges.

This account shall include costs of loading and discharging barges into and from vessels, including:

1. Straight time.
2. Overtime.
3. Extra labor.
4. Fringe benefits.
5. Union contributions.
6. Detentions.
7. Transportation—travel and meals.
8. Clerk/tally.
9. Contractors commodity rates.
10. Tug hire.

754 Cargo handling—container yard.

This account shall include all the costs directly incident to the handling of containers within a yard which are not properly assigned to account 752, "Cargo Handling—Loading / Discharging", as above defined.

755 Cargo handling—container freight station.

This account shall include all costs directly incident to the stuffing and unstuffing of containers. In addition, this account shall include the costs directly incident to receiving, delivery and warehousing of such cargo at the container freight station facility.

756 Cargo handling—lighter freight station.

This account shall include all costs directly incident to the loading and discharging of cargo to and from LASH and SEABEE—type barges including tug hire for positioning at the lighter freight station. In addition, this account shall include costs directly incident to receiving, delivery and warehousing of such cargo at the lighter freight station.

757 Cargo handling—lighter consolidation.

This account shall be charged for all costs incident to storing barges at dockside prior to and after delivery from shipside.

758 Cargo handling—commercial cargo.

This account shall be charged for all miscellaneous cargo costs which are unique to carriage of commercial cargo and which are never applicable to carriage of military cargo. Such costs might include:

Baggage Handling
Bill of Lading Fees
Equalizations
Inspections
Measuring Cargo Fees
Railcar Loading & Discharging

759 Cargo handling—other.

This account shall include all expenses not properly assignable to accounts 752–758 including such costs as surveys, cargo dues, etc. and those costs which cannot be assigned to a cargo technology type.

762 Purchased off-dock container freight station services.

This account shall include the costs of off-dock container freight consolidation services purchased.

763 Port transportation expense—commercial.

This account shall include the costs of transporting containers and LASH and SEABEE type barges being used for commercial cargo within the port area for vessel convenience and local pick-up and delivery, such as: Drayage, tug hire, fees and duties, miscellaneous charges, and other such expenses. Detail coding shall be maintained by cargo carriage technology type.

764 Port transportation expense—military.

This account shall include the costs of transporting containers and LASH and SEABEE type barges being used for military cargo within the port area for vessel convenience and local pick-up and delivery, such as: Drayage, tug hire, fees and duties, miscellaneous charges, and other such expenses. Detail coding shall be maintained by cargo carriage technology type. For use of this account see § 282.1(d).

765 Inland transportation expenses—commercial.

This account shall include the cost of transporting containers and LASH and SEABEE type barges being used for commercial cargo out of the port area to inland terminals or locations, overland or upriver, and to other marine terminals, such as: Rail charges, truck charges, handling charges, tug towage, and other such expenses. Detail coding shall be maintained by cargo carriage technology type.

766 Inland transportation expense—military.

This account shall include the cost of transporting containers and LASH and SEABEE type barges being used for military cargo out of the port area to inland terminals or locations, overland or upriver, and to other marine terminals, such as: Rail charges, truck charges, handling charges, tug towage, and other such expenses. Detail coding shall be maintained by cargo carriage technology type. For use of this account see § 282.1(d).

767 Substituted service transportation expense—commercial.

This account shall include the cost of transporting full or partially full containers and LASH and SEABEE type barges being used for commercial cargo from one port area to other port area(s) when such land transportation facilitates the avoidance of a vessel call at the latter port(s), such as: Rail charges, truck charges, handling charges, tug towage, and other such expenses. Detail coding shall be maintained by cargo carriage technology type and by the port avoided by use of the substituted service.

768 Substituted service transportation expense—military.

This account shall include the cost of transporting full or partially full containers and LASH and SEABEE type barges being used for military cargo from one port area to other port area(s) when such land transportation facilities the avoidance of a vessel call at the latter port(s), such as: Rail charges, truck charges, handling charges, tug towage, and other such expenses. Detail coding should be maintained by cargo carriage technology type and by the port avoided by use of the substituted service. For use of this account see § 282.1(d).

770 Wharfage and dockage.

This account shall include the cost of wharfage and dockage. Detail coding shall be maintained by cargo technology type.

771 Other port expenses.

This account shall contain detail coding by cargo technology type and shall include port service charges, dues, taxes, and other such expenses, such as:

(a) Pilotage.
(b) Vessel towage.
(c) Launch hire.
(d) Anchor dues.
(e) Canal tolls other than Panama Canal, Suez Canal and Saint Lawrence Seaway (see Account 773).
(f) Cargo dues.

(g) Entry dues and fees.
(h) Handling lines.
(i) Port dues and taxes.
(j) Dispatch.
(k) Stowage plan.
(l) Demurrage.
(m) Customs.

772 Port costs of passenger operations.

This account shall include all port costs of passenger vessels (vessels which carry more than twelve passengers) that would otherwise be charged to accounts 770, "Wharfage and dockage" and 771, "Other port expenses." Detail coding shall be maintained by cargo technology type.

773 Transit canal tolls.

This account shall include canal tolls for the Panama Canal, Suez Canal and Saint Lawrence Seaway.

(D) IDLE VESSEL EXPENSE

(a) These accounts shall include all expenses incurred during periods of idleness or inactivity between voyages.

(b) Subsidiary accounts shall be maintained by vessel and by related idle period.

ACCOUNT

801 Crew wages.

803 Crew fringe benefits.

804 Union payments unrelated to the crew.

808 Payroll taxes.

810 Subsistence.

815 Consumable stores, supplies and equipment.

825 Other maintenance expense.

830 Insurance—hull and machinery.

832 Insurance—protection and indemnity.

834 Insurance—other marine-risk.

835 Vessel fuel.

840 Vessel repairs.

842 Depreciation—idle vessels.

843 Time and trip charter hire.

844 Time and trip charter hire—affiliates.

845 Short-term bareboat charter hire.

846 Short-term bareboat charter hire—affiliates.

847 Long-term bareboat charter hire.

848 Long-term bareboat charter hire—affiliates.

849 Other vessel expense.

(E) TERMINAL EXPENSE

(a) These accounts shall be charged for all expenses incident to maintaining terminals for handling breakbulk, containers, vehicle cargo and barges. In addition, all costs of tug, other barge operations, and other floating equipment shall be maintained under this category.

(b) Subsidiary accounts shall be maintained by individual terminal.

(c) Charges to accounts 855–858 will be made directly whenever possible. When a terminal provides more than one function, costs will be allocated between the individual functions as prescribed in General Order 12.

855 Terminal operations expense—container yards.

This account shall include all costs and fringe benefits related to a carrier operated container yard. These costs will include.

(a) Supervision salaries including terminal management, port captains, port engineers and non-union cargo supervisors.

(b) Supplies.

(c) Maintenance and repair of container yard property and office equipment.

(d) Security costs for permanent watchmen used within the container yard proper.

(e) Utilities for container yard buildings and for lighting of the container yard.

(f) Rent and property taxes for the container yard.

(g) Other maintenance labor including unallocated clerks, sweepers, etc.

(h) Other, including insurance, business fees, etc.

856 Terminal operations expense—container freight station/breakbulk.

This account shall include all costs and fringe benefits related to a carrier operated on dock container freight station or breakbulk terminal such as:

(a) Supervision salaries including terminal management, port captains, port engineers and non-union cargo supervisors.

(b) Supplies.

(c) Maintenance and repair of sheds, terminal property, and office equipment.

(d) Security costs of permanent watchmen used within the CFS and terminal area.

(e) Utilities.

(f) Rent and property taxes for the CFS and breakbulk terminal.

(g) Other maintenance labor including unallocated clerks, sweepers, coopers, baggage masters, etc.

(h) Other, including insurance, business license fees, etc.

857 Terminal operations expense—barges.

This account shall include all costs and fringe benefits related to a carrier operated terminal used to service LASH or SEABEE barges. These costs will include:

(a) Supervision salaries including terminal management, port captains, port engineers and non-union cargo supervisors

(b) Supplies

(c) Maintenance and repairs of terminal property, sheds and office equipment

(d) Security costs for permanent watchmen used within the terminal area

(e) Utilities for buildings and yard areas

(f) Rent and property taxes

(g) Other maintenance labor including unallocated clerks, checkers, sweepers, coopers, etc.

(h) Other, including insurance, business license fees, etc.

858 Terminal operations expense—other.

This account shall include all costs and fringe benefits related to a carrier operated terminal which cannot properly be charged to Account 855, 856 or 857. Costs will include:

(a) Supervision salaries including terminal management, port captains, port engineers and non-union cargo supervisors.

(b) Supplies

(c) Maintenance and repair of terminal property and office equipment

(d) Security costs for permanent watchmen

(e) Utilities

(f) Terminal rent and property taxes

(g) Other maintenance labor including unallocated clerks, checkers, sweepers, coopers, etc.

(h) Other, including insurance, business license fees, etc.

859 Depreciation—terminal property and equipment.

This account shall include the accrual depreciation of terminal buildings, cranes, trucks, furniture and fixtures, cargo handling gear, and equipment, tools and other terminal gear, and equipment with a corresponding credit to account 350, "Accumulated depreciation—terminal property and equipment."

860 Amortization—terminal leaseholds and leasehold improvements.

This account shall include the amortization of the cost of acquiring long-term leases, and the cost of alterations to, and fixtures installed in, leased terminal property, with a corresponding credit to account 357, "Terminal leaseholds and leasehold improvements."

861 Other expense—terminal equipment.

This account shall include costs applicable to owned terminal equipment such as maintenance and repair, licensing, property taxes, insurance, etc.

862 Operating expense of tug and barge operations.

This account shall include the expense incurred in the operation by the carrier of tugs, other barges, scows, launches, floating cranes, and similar floating equipment. Detail coding shall be maintained by port.

863 Maintenance expense of tug and other barge operations.

This account shall include the expense incurred in the maintenance by the carrier of tugs, other barges, scows, launches floating cranes and similar floating equipment and will be identified to a port.

864 Depreciation—other floating equipment.

This account shall include the accrual of depreciation of tugs, barges, scows, launches, floating cranes, and similar floating equipment with a corresponding

credit to account 338, "Accumulated depreciation—other floating equipment."

866 Allocated terminal expense—contra.

This account shall be credited with the allocation of Terminal Expenses to Vessels and related voyages for the following expenses:

855—Terminal operations expense—container yards
856—Terminal operations expense—CFS/breakbulk
857—Terminal operations expense—barges
858—Terminal operations expense—other
861—Other expense—terminal equipment
862—Operating expenses of tug and barge operations
863—Maintenance expense of tug and barge operations

A corresponding debit shall be made to Account 751—Allocated Terminal Expense.

(F) CONTAINER/BARGE EXPENSE

(a) These accounts shall be charged with all expenses related to the use of containers, chassis and barges which are carried aboard vessels. Such costs do not include the labor for loading and unloading nor the transportation charges for moving containers and barges: Instead, such excluded expenses shall be charged to the appropriate port cost center expense accounts:

ACCOUNT

867 Container rental and lease expense.

This account shall include the rental and lease payments to nonaffiliated companies for containers.

868 Container rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for containers.

869 Refrigerated container rental and lease expense.

This account shall include the rental and lease payments to non-affiliated companies for refrigerated containers.

870 Refrigerated container rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for refrigerated containers.

871 Chassis rental and lease expense.

This account shall include the rental and lease payments to non-affiliated companies for chassis.

872 Chassis rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for chassis.

873 Trailer rental and lease expense.

This account shall include the rental and lease payments to non-affiliated companies for trailers used in vehicle operations.

874 Trailer rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for trailers used in vehicle operations.

875 Barge rental and lease expense.

This account shall include the rental and lease payments to non-affiliated companies for barges carried aboard vessels, such as LASH and SEABEE barges.

876 Barge rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for barges carried aboard vessels, such as LASH and SEABEE barges.

877 Container related equipment rental and lease expense.

This account shall include the rental and lease payments to non-affiliated companies for container related equipment, such as container cranes and yard container movement equipment.

878 Container related equipment rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for container related equipment, such as container cranes and yard container movement equipment.

879 Other cargo handling equipment rental and lease expense.

This account shall include the rental and lease payments to non-affiliated companies for other cargo handling equipment not included in accounts 867–878.

880 Other cargo handling equipment rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for other cargo handling equipment not included in accounts 867–878.

881 Depreciation—containers.

This account shall include the accrual of depreciation of containers, with a corresponding credit to account 342, "Accumulated depreciation—containers."

882 Depreciation—refrigerated containers.

This account shall include the accrual of depreciation of refrigerated containers, with a corresponding credit to account 344, "Accumulated depreciation—refrigerated containers."

883 Depreciation—chassis and trailer equipment.

This account shall include of depreciation of chassis and trailer and other transportation equipment, with a corresponding credit to account 348, "Accumulated depreciation—chassis and trailer equipment."

885 Depreciation—barges.

This account shall include the accrual of depreciation of barges carried aboard vessels with a corresponding credit to account 336, "Accumulated Depreciation—Barges."

886 Depreciation—container related equipment.

This account shall include the accrual of depreciation of container related equipment, such as container cranes and yard container movement equipment, with a corresponding credit to account 346, "Accumulated depreciation—container related equipment."

888 Other expense—containers.

This account shall include the costs of containers other than depreciation and rental and lease payments, such as insurance, taxes, and maintenance and repairs. Costs relating to the handling of containers will be charged to the appropriate cargo handling or terminal operations account.

889 Other expense—refrigerated containers.

This account shall include the costs of refrigerated containers other than depreciation and rental and lease payments, such as insurance, taxes, maintenance and repairs. Costs relating to the handling of refrigerated containers will be charged to the appropriate cargo handling or terminal operations account.

890 Other expense—chassis.

This account shall include the costs of chassis, other than depreciation and rental and lease payments, such as insurance, taxes, and maintenance and repairs. Costs relating to the handling of chassis will be charged to the appropriate cargo handling or terminal operations account.

891 Other expense—trailers.

This account shall include the costs of trailers, other than depreciation and rental and lease payments, such as insurance, taxes, and maintenance and repairs. Costs relating to the handling of trailers will be charged to the appropriate cargo handling or terminal operations account.

892 Other expense—barges.

This account shall include the costs of barges carried aboard vessels, other than depreciation and rental and lease payments, such as insurance, taxes, and maintenance and repairs. Costs relating to the handling of barges will be charged to the appropriate cargo handling or terminal operations account.

893 Other expense—other container equipment.

This account shall include the cost of maintaining other container equipment including maintenance and repairs, licensing and property tax.

894 Other expense—other cargo handling equipment.

This account shall include the cost of maintaining all other cargo handling equipment including maintenance and

repairs, licensing, property taxes etc. not included in accounts 888–893.

899 Allocated container/barge expense—contra.

This account shall be credited with the allocation of container/barge expense to vessels and related voyages with a corresponding charge to Account 750 "Allocated container and barge expense", the expenses for which are included in the following accounts:

867 Container rental and lease expense.
868 Container rental and lease expense—affiliates.
869 Refrigerated container rental and lease expense.
870 Refrigerated container rental and lease expense—affiliates.
871 Chassis rental and lease expense.
872 Chassis rental and lease expense—affiliates.
873 Trailer rental and lease expense.
874 Trailer rental and lease expense—affiliates.
875 Barge rental and lease expense.
876 Barge rental and lease expense—affiliates.
877 Container related equipment rental and lease expense.
878 Container related equipment rental and lease expense—affiliates.
879 Other cargo handling equipment rental and lease expense.
880 Other cargo handling equipment rental and lease expense—affiliates.
888 Other expense—containers.
889 Other expense—refrigerated containers.
890 Other expense—chassis.
891 Other expense—trailers.
892 Other expense—barges.
893 Other expense—other container equipment.
894 Other expense—other cargo handling equipment.

(G) ADMINISTRATIVE AND GENERAL EXPENSES

(a) These accounts shall include all administrative and general expenses incurred in the operation of the business for which no other specific accounts have been provided.

(b) Additional detail coding shall be maintained by vessel and consecutively by voyage to facilitate terminated voyage accounting, with respect to accounts 950, 951 and 952.

ACCOUNT

901 Compensation of officers and directors.

This account shall include the compensation of officers and directors, including salaries, bonuses, fees and other payments for services.

902 Salaries and wages of employees.

This account shall include the compensation of all employees performing administrative and service functions that benefit overall operations other than compensation of officers and directors.

903 Fringe benefits.

This account shall include the cost of all fringe benefits of administrative and general personnel, such as:

(a) Vacation pay
(b) Sick leave
(c) Payroll taxes (employer's portion)
(d) Workmen's compensation
(e) Group insurance
(f) Pension and retirement
(g) Health and welfare
(h) Profit-sharing
(i) Other

905 Legal fees.

This account shall include fees, retainers, and other expenses for professional services of attorneys, including cost of law books, legal forms, testimony, notarial and witness fees, law and court expenses, and lawsuits.

906 Accounting and auditing fees.

This account shall include fees and other expenses for accounting or independent audit services rendered.

907 Other professional fees.

This account shall include fees and other expenses for professional services other than legal, accounting or auditing.

910 Rental expense.

This account shall include the rental costs for use of office buildings, general offices and storage space.

912 Utilities.

This acount shall include the cost of utilities, such as:

(a) Heat
(b) Light
(c) Power
(d) Water
(e) Waste removal

915 Communication expense.

This account shall include all communication expense, such as the cost of telephone, cables, telegrams, radio, postage, telex and teletype.

920 Office expense.

This account shall include the cost of office supplies, printing, equipment rental and all other general expenses relating to the operation of offices.

923 Data processing equipment rental expense.

This account shall include all rental costs of data processing equipment.

925 Dues and subscriptions.

This account shall include membership dues and fees in associations and subscriptions to periodicals and newspapers.

926 Donations and contributions.

This account shall include the cost of donations and contributions.

929 Entertainment and solicitation.

This account shall include all entertainment expenses and expenses of canvassing and solicitation in connection with the procurement of cargo.

930 Travel expense.

This account shall include all traveling expenses of officers and employees on official business of the company.

931 Insurance expense.

This account shall include premiums on insurance such as burglary, theft, robbery, premiums on fidelity bonds on officers and employees, and other such expenses.

934 Repairs and maintenance.

This account shall include the cost of repairing and maintaining general office buildings and equipment, furniture, and machines.

940 Management fees and commissions—affiliates.

This account shall include all commissions paid or payable to affiliated companies for general and financial management services.

941 Management fees and commissions—other.

This account shall include commissions paid or payable to persons or concerns other than affiliated companies acting as managing agents of the carrier. It does not include the customary agency fees and commissions paid to general and sub-agents at out-ports. Such fees should be charged to account 952, "Agency fees and commissions."

945 Advertising—passenger.

This account shall be charged with the cost of all passenger advertising.

946 Advertising—other.

This account shall be charged with all other advertising costs of the carrier.

950 Freight brokerage.

This account shall include commissions paid to brokers for procuring cargo.

951 Passenger brokerage.

This account shall include commissions paid to brokers and booking agencies for procuring passenger business.

952 Agency fees and commissions.

This account shall include agency fees, attendance fees, and commissions for services performed by agents at out-ports. This account shall not include reimbursements to agents for those expenses incurred in the administration and supervision of port activities. Such expense shall be charged to the appropriate port expense account.

955 Contributions to pools.

This account shall be charged with contributions and other related expenses incurred with participation in pooling agreements, by transfer from account 055, "Pool participation."

960 Interest expense.

This account shall include all interest expense, other than amounts to affiliates which shall be charged to account 961. "Interest expense—affiliates", paid or payable. It shall not include interest on obligations issued and assumed and owned by the carrier.

961 Interest expense—affiliates.

This account shall include all interest paid or payable to affiliated companies.

965 Doubtful notes and accounts receivable.

This account shall be charged with provisions for reserves against all notes

and accounts receivable considered doubtful of collection.

970 Depreciation—other shipping property and equipment.

This account shall include the accrual of depreciation of property and equipment incident to shipping and its auxiliary operations for which no other account has been specifically provided, with a corresponding credit to account 352, "Accumulated depreciation—other shipping property and equipment."

971 Depreciation—non-shipping property and equipment.

This account shall include the accrual of depreciation of property and equipment used in ventures other than shipping and shipping auxiliary operations, with a corresponding credit to account 354, "Accumulated depreciation—non-shipping property and equipment."

975 Amortization—office leaseholds and leasehold improvements.

This account shall include the amortization of the cost of acquiring long-term leases, and the cost of alterations to, and fixtures installed in, leased office property, with a corresponding credit to account 355, "Office leaseholds and leasehold improvements."

976 Amortization—debt discount and expense.

This account shall include for each fiscal period such proportion of debt discount and expense on funded debt as is transferred from account 384, "Debt discount and expense."

977 Amortization—organization expense.

Amortization of expenses incurred in the formation or development of the business shall be charged to this account as transferred from account 385, "Organization expense."

979 Miscellaneous amortization expense.

Amortization of any deferred charges for which no other account is specifically provided shall be included in this account.

980 Expense of non-shipping operations.

This account shall include the gross expense other than depreciation incurred in ventures other than shipping and shipping auxiliary operations.

985 Income taxes accrued on ordinary income.

This account shall be charged with accruals for all income taxes which are estimated to be payable and which are applicable to ordinary income.

986 Provision for deferred income taxes.

This account shall include the tax effect of timing differences on ordinary income originating or reversing in the current period.

987 Income taxes on extraordinary items.

This account shall include the estimated income taxes consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary items.

988 Provision for deferred income taxes—extraordinary items.

This account shall include the tax effect of timing differences on extraordinary items originating or reversing in the current period.

989 Other taxes.

(a) This account shall include all taxes other than income taxes, sales taxes, and taxes computed on basis of payrolls such as old age benefits, unemployment compensation, and similar social security taxes.

(b) Sales taxes and taxes assessed against carriers for electrical energy, telegraph, telephone, radio, cables, checks, rental and safe deposit boxes, motor vehicle licenses, and other such expenses, shall be included in the respective accounts to which the cost of the material or services is charged. Social security taxes are to be included in the respective accounts to which other fringe benefits are charged.

(c) This account shall also be charged with the costs of business licenses.

990 Miscellaneous expense.

This account shall include all expenses of a general character for which no other account is provided including expenses from conversion of foreign currencies.

995 Extraordinary items.

This account shall include extraordinary items accounted for during the current fiscal year in accordance with generally accepted accounting principles.

APPENDIX

SEC. 282.0 *Clearance accounts.* (a) This group of accounts is designed to accommodate transactions which cannot be allocated directly to balance sheet or income and expense accounts until such transactions have been completely accounted for. In the preparation of periodical financial and operating statements, it is essential that these clearance accounts be analyzed and the balances reflected therein be distributed to appropriate account classifications on such statements.

(b) The balances in this group of accounts applicable to terminated voyages, or other accounting units of a closed fiscal year, must not be carried forward to the succeeding fiscal year.

ACCOUNT

SEC. .001 *Masters and pursers.* (a) This account shall be charged with amounts advanced to or collected by masters and pursers. The account shall be credited with the net amount of vessels' payrolls, with cash advances to members of the crew, with allowable expenses incurred, with endorsed travelers checks, and unexpended cash balances returned.

(b) Subsidiary accounts shall be maintained for each master and pursuer and a separate account maintained for each voyage or other accounting unit.

SEC. .005 *Allotments on wages of crews.* This account shall be charged with payments made to allottees of crews and shall be credited with deductions made therefore on vessels' payrolls.

SEC. .010 *Agents and branch houses.* (a) This account shall serve as a clearance account for all current transactions with foreign and domestic agents, and branch houses of the carrier. The account shall be charged with cash advances to agents and branch houses, and with freight and other voyage revenue collectible by the agent or branch house in instances where arrangements are made with them to disburse vessels therefrom. Freight and other voyage revenues collectible by agents who are required to remit in full shall be recorded in account 150, "Accounts receivable." This account shall be credited with remittances by the agents or branch houses, and with approved disbursements made for the account of the carrier.

(b) Subsiddiary accounts shall be maintained by names of agents or branch houses.

SEC. .012 *Sub-agency operations.* (a) This account shall serve as a clearance account for all current transactions with other principals for whom the carrier acts as agent.

(b) The balances in this account shall be reflected in account 165, "Accounts receivable—miscellaneous," and account 421, "Accounts payable" for balance sheet purposes.

SEC. .015 *Related companies; accounts current.* (a) This account shall be charged with receivables and credited with payables which are customarily subject to current settlement. Under no circumstances shall loans, advances, or other transactions, the settlement of which is deferred beyond one year, be recorded in this account.

(b) The balance in this account shall be reflected in account 153, "Accounts receivable—affiliates" or account 415, "Notes and accounts payable—affiliates," for balance-sheet purposes.

(c) Subsidiary accounts shall be arranged by company, and a description of each transaction shall be reflected in the accounts.

SEC. .025 *Collections and deposits for passenger transportation.* (a) Gross passenger ticket sales and deposits including those for future reservations, hotel accommodations, shore excursions, passenger taxes, etc., shall be credited to this account.

(b) As transportation is furnished to passengers by vessels of the carrier, this account shall be charged and account 600, "Vessel revenue," credited. Deposits or collections for other purposes, including commissions earned or payable incident thereto, shall be cleared from this account as soon as practicable to appropriate accounts designated in the Chart. The credit balances remaining in this account shall be reflected in account 495, "Advance ticket sales and deposits," for balance sheet purposes.

(c) Subsidiary accounts shall be maintained in sections corresponding to the classifications shown on the daily ticket sales report, examples of which are: Prepaid orders, one-way tickets, round-trip tickets, exchange orders, railroad fares, hotel reservations, sightseeing tours, head tax, U.S. Government stamp tax, foreign government passenger taxes, commissions due agents and brokers, and commissions earned.

SEC. .030 *Collections on unrecorded freight manifests.* (a) This account shall be credited with all collections of freight revenue from shippers or consignees prior to the recording of the revenue manifests. When the manifest is recorded, the balance in this account applicable thereto shall be cleared with a corresponding credit to account 600, "Vessel revenue."

(b) Subsidiary accounts shall be maintained by vessels and consecutively by voyages or other accounting units.

SEC. .035 *Advance and prepaid beyond charges, and miscellaneous manifested items.* (a) When vessels manifests are journalized,

this account shall be credited with advance charges, prepaid beyond charges, and miscellaneous manifested items, such as: Consular fees, cargo insurance, handling, transshipment, and transfer charges. The account shall be charged with expenses incurred in the performance of the services for which these collections were made. As transactions applicable to terminated voyages are completely accounted for net debit balances in this account shall be transferred to the appropriate 700 account and net credit balances to account 600, "Vessel revenue."

(b) Subsidiary accounts should be subdivided as between advance charges, prepaid beyond charges, and miscellaneous manifested items. Each group of account should be maintained by vessels and consecutively by voyages.

SEC. .040 *Bar accounts.* (a) This account shall be charged with inventories of bar supplies aboard vessels at the beginning of each voyage for sale to passengers, and with all purchases of such supplies during the voyage. The account shall be credited with the inventory of bar supplies on hand at the end of each voyage, and with gross sales during the voyage. As transactions applicable to terminated voyages are completely accounted for, net debit balances in this account shall be transferred to the appropriate 700 accounts and net credit balances to account 600, "Vessel revenue." The balance remaining in this account after profits and losses, on sales applicable to voyages terminated during the accounting period, have been cleared to the vessel operating accounts shall be reported on the balance sheet under the classification "Inventories."

(b) The subsidiary accounts shall be maintained by vessels and consecutively by voyages.

SEC. .045 *Slop chest account.* (a) This account shall be charged with inventories of slop chest supplies aboard vessels at the beginning of each voyage for sale to members of the crew, with all purchases of such supplies during the voyage. The account shall be credited with the inventory of slop chest supplies on hand at the end of each voyage, and with all gross sales during the voyage. As transactions applicable to terminated voyages are completely accounted for, net debit balances in this account shall be transferred to the appropriate 700 account and net credit balances to account 600, "Vessel revenue." The balance remaining in this account after profits and losses, on sales applicable to voyages terminated during the accounting period, have been cleared to the vessel operating accounts, shall be reported on the balance sheet under the classification "Inventories."

(b) The subsidiary accounts shall be maintained alphabetically by vessels and consecutively by voyages.

SEC. .050. *Foreign exchange account.* All gains or losses in foreign exchange shall be recorded in this account. At the close of each accounting period the balance in the account shall be transferred to account 690, "Miscellaneous—other income," or account 990, "Miscellaneous expense," as the case may be.

SEC. .055 *Pool participation.* (a) This account shall be charged with contributions to pools for the purpose of equalizing revenues in accordance with pooling agreements and shall be credited with gross collections received from pools for the same purpose.

(b) Charges against the carrier in administering the pooling agreements shall be recorded in account 925, "Dues and subscriptions." The balances in this account at the close of each accounting period, as prescribed in pooling agreements, shall be transferred to account 640, "Collections from pools," and account 955, "Contributions to pools."

(c) This account shall be maintained to show separately transactions under each pooling agreement and accounting period.

SEC. .060 *Stores, supplies, and equipment aboard vessels.* (a) Where inventories of vessels stores, supplies, and/or equipment are not taken and priced at the end of each voyage, the value of such inventories shall be charged to this account at the beginning of each contract period. The account should also be credited with the value of inventories of stores, supplies, and/or equipment at the end of each accounting period, after which any balance therein shall be charged or credited, as the case may be, to the last voyage of each vessel involved terminated during the accounting period.

(b) The accounts will not be used in instances where inventories of stores, supplies, and/or equipment are taken and priced at the end of each voyage.

(c) The balance in the account at the end of each accounting period, applicable to the subsequent account period, will be reflected in balance sheet account 200, "Deferred expense—unterminated voyages."

SEC. .095 *Profit and loss account.* At the end of the accounting year this account shall be credited or charged, as the case may be, with the balances in all ordinary, and extraordinary revenue and expense accounts, except where otherwise specifically indicated. After all entries have been made, the account shall reflect the net income for the accounting year. The net balance in this account after adjustments have been made for the accounting year shall be transferred to account 599, "Retained earnings—unrestricted."

282.6 Financial statements.

(A) BALANCE SHEET

Account Nos.	*Assets*
	Current assets:
100	Cash.
115	Special cash deposits.
120, 129	Marketable securities.
130	Notes receivable.
140	Notes receivable—affiliates.
150	Accounts receivable.
169	Less: Estimated allowance for doubtful notes and accounts receivable.
170	Inventories—shoreside.
190	Other current assets.
	Total current assets.
	Voyages in progress (when a net debit balance):
200	Deferred expenses—unterminated voyages.
500	Less: Deferred revenues—unterminated voyages.
	Special funds and deposits:
301	Capital reserve fund.
302	Capital construction fund.
303	Construction reserve fund.
304	Interest accounts for deposit in statutory funds.
305	Insurance funds.
306-310, 312	Other special funds and deposits.
	Total special funds and deposits.
	Investments:
316	Securities of related companies.
319	Non-current notes receivable—affiliated companies.
320	Non-current accounts receivables—affiliated companies.
325	Cash value of life insurance.
328	Other investments.
	Total investments.
	Property and equipment:
331	Floating equipment—vessels.
332	Less: Accumulated depreciation—vessels.
335	Floating equipment—barges.
	Less: Accumulated depretion—barges.
337	Other floating equipment.
338	Less: Accumulated depreciation—other floating equipment.
341	Containers.
342	Less: Accumulated depreciation—containers.
343	Refrigerated containers.
344	Less: Accumulated depreciation—refrigerated containers.
345	Container related equipment.
346	Less: Accumulated depreciation—container related equipment.
347	Chassis and trailer equipment.
348	Less: Accumulated depreciation—chassis and trailer equipment.
349	Terminal property and equipment.
350	Less: Accumulated depreciation—terminal property and equipment.
351	Other shipping property and equipment.
352	Less: Accumulated depreciation—other shipping property and equipment.
353	Non-shipping property and equipment.
354	Less: Accumulated depreciation — non-shipping property and equipment.
355	Office leaseholds and leasehold improvements.
356	Less: Accumulated amortization—office leaseholds and leasehold improvements.
357	Terminal leaseholds and leasehold improvements.
358	Less: Accumulated amortization—terminal leaseholds and leasehold improvements.
359	Construction work in progress.
	Total property and equipment after accumulated allowances.
	Other assets:
361	Claims pending.
362	Spare parts on which construction-differential subsidy has been paid.
363	Spare parts—other.
364	Notes and accounts receivable from officers and employees.
367	Deferred operating-differential subsidy receivable.
368	Other non-current notes and accounts receivable.
370	Maritime Administration allowance for obsolete vessels.
374	Miscellaneous other assets.
	Total other assets.
169	Less: Estimated allowance for doubtful notes and accounts receivable.
	Total other assets after estimated allowance for doubtful notes and accounts receivables.

Account Nos.	Assets
375	Deferred charges and prepaid expenses.
391	Goodwill.
398	Other intangible assets.
399	Less: Accumulated amortization—other intangible assets.
	Total assets.
	Liabilities
	Current Liabilities:
400	Notes payable.
415	Notes and accounts payable—affiliates.
420	Accounts payable.
440	Accrued liabilities.
479	Other current liabilities.
495	Advance ticket sales and deposits.
526	Mortgage notes—Maritime Administration.
527	U.S. Government insured or guaranteed merchant marine bonds and notes.
530	Other bonds and debentures.
534	Other long-term debt.
	Total current liabilities.
	Voyages in progress (when a net credit balance):
500	Deferred revenues—unterminated voyages.
200	Less: Deferred expense—unterminated voyages.
	Long-term debt (due after one year):
526	Mortgage notes—Maritime Administration.
527	U.S. Government insured or guaranteed merchant marine bonds and notes.
530	Other bonds and debentures.
534	Other long-term debt.
	Total long-term debt.
	Other liabilities:
541	Non-current payables—affiliated companies.
549	Non-current notes and accounts payable—officers and employees.
550	Recapturable profits—Maritime Administration.
554	Miscellaneous other liabilities.
	Total other liabilities.
	Deferred credits:
556	Premium on funded debt.
563	Accumulated deferred income taxes.
564	Miscellaneous deferred credits.
	Total deferred credits.
	Estimated Operating Allowances:
566	Estimated allowances for repairs.
570	Estimated allowances for insurance.
579	Estimated operating allowances—Miscellaneous.
	Total estimated operating allowances.
	Total liabilities.
	Owner's equity:
	Capital stock.
581	Issued and outstanding.
585	Subscribed.
587	Less: Discount on capital stock.
	Total capital stock.
590	Additional paid-in capital.
	Retained Earnings:
598	Restricted.
599	Unrestricted.

Account Nos.	Liabilities
591	Total retained earnings.
	Less: Treasury Stock.
	Total Owner's equity.
	Total liabilities and equity.

(B) INCOME STATEMENT

Account Nos.	Liabilities
	Shipping operations:
601–670	Waterline operating revenue.
701–989	Waterline operating expense.
	Gross profit (loss) from shipping operations.
	Other income:
675	Interest income.
685	Dividend income.
690	Miscellaneous other income.
691	Release of premium on long-term debt.
697	Income from affiliated companies.
	Other deductions from income:
960	Interest expense.
961	Interest expense—affiliates.
965	Doubtful notes and accounts receivable.
976	Amortization—debt discount and expense.
977	Amortization—organization expense.
979	Miscellaneous amortization expense.
990	Miscellaneous expense.
	Net income from shipping operations.
	Nonshipping operations:
695	Revenue from non-shipping operations.
980	Expense of non-shipping operations.
971	Depreciation—non-shipping property and equipment.
	Net income (loss) from non-shipping operations.
	Income (loss) before income taxes and extraordinary items.
985, 986	Income taxes.
	Income (loss) before extraordinary items.
	Extraordinary items:
995	Extraordinary items — net credit (debit).
987, 988	Income taxes on extraordinary items—debit (credit).
	Total extraordinary items—(debit) credit.
	Net income (loss).

(C) WATER LINE OPERATING REVENUE AND EXPENSE STATEMENT

Account Nos.		Revenue	Expense	Net
	Shipping operations			
	Terminated voyage results (from sec. 282.6(D)).			
801–840, 843–849	Idle vessel expense			
640, 955	Collection from and contributions to pools			
	Gross profit (loss) from shipping operations before subsidy.			
625	Operating-differential subsidy			
	Gross profit (loss) from vessel operations after subsidy.			
645	Revenue from terminal operations			
650	Revenue from cargo handling operations			
655	Revenue from tug and lighter operations			
660	Revenue from container related operations			
665	Revenue from other shipping operations			
670	Agency fees, commissions and brokerage earned			
	Gross profit (loss) from shipping operations, before overhead, amortization, and depreciation.			
	Overhead			
901–934	Administrative and general expenses			
940	Management fees and commissions—affiliates			
941	Management fees and commissions—other			
945	Advertising—passenger			
946	Advertising—other			
989	Other taxes			
	Gross profit (loss) from shipping operations before amortization and depreciation.			
	Amortization-depreciation—shipping property and equipment			
742	Depreciation—vessels			
842	Depreciation—idle vessels			
859	Depreciation—terminal property and equipment			
864	Depreciation—other floating equipment			
881	Depreciation—container			
882	Depreciation—refrigerated containers			
883	Depreciation—chassis and trailer equipment			
885	Depreciation—barges			
886	Depreciation—container related equipment			
970	Depreciation—other shipping property and equipment			
975	Amortization—office leaseholds and leasehold improvements			
860	Amortization—terminal leaseholds and leasehold improvements			
	Total waterline revenue and expense			
	Gross profit (loss) from shipping operations			

(D) VESSEL OPERATING STATEMENT

Accounts Nos.	Vessel revenue—terminated voyages
601	Freight—foreign.
605	Freight—coastwise and intercoastal.
608	Passenger—foreign.
612	Passenger—coastwise and intercoastal.
620	Charter revenue.
624	Other voyage revenue.
	Total vessel revenue.
	Operating expense—terminated voyages
	Vessel expenses:
701	Crew wages.
703	Crew fringe benefits.
704	Union payments unrelated to the crew.
708	Payroll taxes.
710	Domestic subsistence.
714	Foreign subsistence.
715	Domestic consumable stores, supplies and equipment.
716	Foreign consumable stores, supplies and equipment.
725	Other maintenance expense.
730	Insurance—hull and machinery.
732	Insurance — protection and indemnity.
734	Insurance — other marine-risk.
735	Vessel fuel.
740	Vessel repairs—domestic.
741	Vessel repairs—foreign.
743	Time and trip charter hire.
744	Time and trip charter hire—affiliates.
745	Short - term bareboat charter hire.
746	Short - term bareboat charter hire—affiliates.
747	Long - term bareboat charter hire.
748	Long - term bareboat charter hire—affiliates.
749	Other vessel expenses.
	Total vessel expense.
	Voyage expenses:
750	Container and barge expenses:
	Allocated container and barge expense.
	Terminal expenses:
751	Allocated terminal expenses.
	Port expenses:
752	Cargo handling—loading/discharging.
753	Cargo handling—loading / discharging — barges.
754	Cargo handling—container yard.
755	Cargo handling—container freight station.
756	Cargo handling—lighter freight station.
757	Cargo handling—lighter consolidation.
758	Cargo handling—commercial cargo.
759	Cargo handling—other.
762	Purchased off-dock container freight station services.
763	Port transportation expense—commercial.
764	Port transportation expense—military.
765	Inland transportation expense—commercial.
766	Inland transportation expense—military.
767	Substituted service transportation expense—commercial.
768	Substituted service transportation expense—military.
770	Wharfage and dockage.
771	Other port expenses.
772	Port costs of passenger operations.
773	Transit canal tolls.
	Total port expenses.
	Brokerage expense and agency fees and commissions:
950	Freight brokerage.
951	Passenger brokerage.
952	Agency fees and commissions.
	Total brokerage expense, agency fees and commissions.
	Total voyage expense _____
	Total operating expense _____
	Terminated voyage results_____

[FR Doc.74-10562 Filed 5-8-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19739; FCC 74-469]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments in East Lansing, Mich.

Report and order. In the matter of amendment of § 73.606(b), *Table of assignments,* Television Broadcast Stations. (East Lansing, Michigan), Docket No. 19739, RM-2052.

1. The Commission has before it for consideration the May 9, 1973, notice of proposed rulemaking in this proceeding (38 FR 13491, published May 22, 1973) and comments from the proponent, the Board of Trustees of Michigan State University, seeking the designation of television Channel 23 at East Lansing, Michigan, as an educational assignment.

2. In its petition and comments the Board of Trustees pointed out that it was operating a noncommercial educational station on UHF Channel 23. (Although it was not mentioned in the original petition, it formerly shared time in the operation of VHF Channel 10 licensed to nearby Onondaga, Michigan.) In effect, the petition sought recognition of the actual use of the channel. In addition to Channel 23, Channel 69 was also listed as an East Lansing assignment, and the Board of Trustees urged us to leave the educational designation of this channel undisturbed. Other than the Board of Trustees, no party expressed any interest in the proceeding.

3. Since Channel 23 was already being put the educational use, the proposal to give *de jure* status to this *de facto* situation presents no complication. We believe that it is appropriate for the Table of Television Assignments to reflect the actual usage of the channel and it shall be charged accordingly. As to continuing the reserved status of Channel 69, however, the situation is not quite as simple. If the reservation were terminated, the channel would still be available for educational use, and for the first time it would become available for commercial use as well. On the other hand, since East Lansing has only two assignments, the proposal to maintain the reservation would effectively preclude the establishment of any commercial operation in East Lansing. Ordinarily, we would not be disposed to follow a procedure that would lead to allowing a channel to remain fallow for some period while interest in its educational use develops, when at the same time no commercial channel is available and an educational operation already exists. However, the situation involved here is atypical because of the proximity of Lansing which has three channel assignments.

Only Channel 6 of the three is in use; Channels 36 and 53 are vacant. Lansing is the far larger of the two communities and quite probably the more logical choice for locating a commercial station. In addition, lower UHF channels tend to be selected first, further suggesting that anxiety over foreclosing commercial use of Channel 69 is premature. Under these circumstances, we do not think it necessary to remove the reservation on Channel 69. If an interest in its use on a commercial basis should develop, we could then entertain an appropriate petition for rulemaking. In the meantime, we see no need to act on supposition about such future interest.

4. Therefore in accordance with the provisions of sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended: *It is ordered,* That, effective June 14, 1974, the Television Table of Assignments, Section 73.606(b) of the Commission's rules, insofar as the community listed below is amended to read as follows:

City	Channel No.
East Lansing, Mich	23, 69

5. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1083, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 1, 1974.

Released: May 6, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-10724 Filed 5-8-74;8:45 am]

[1] Commissioners Wiley, Chairman, Reid and Hooks acting as a Board; Commissioner Quello not participating.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 264]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	Morgan	Falkville, town of	May 7, 1974. Emergency.			
Do	Dallas	Selma, city of	do	Dec. 17, 1973		
Michigan	Oakland	Berkley, city of	do			
Minnesota	Scott	Shakopee, city of	do			
Do	Wadena	Unincorporated areas	do			
Oregon	Union	do	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 1, 1974.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.74–10607 Filed 5–8–74;8:45 am]

[Docket No. FI 265]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arizona	Mohave	Unincorporated areas	May 6, 1974. Emergency.			
Massachusetts	Middlesex	Dracut, town of	do			
Montana	Blaine	Chinook, city of	do		Jan. 9, 1974	
Washington	Pend Oreille	Metaline, town of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: April 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–10608 Filed 5–8–74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Medicine Lake National Wildlife Refuge, Montana

The following special regulation is issued and is effective on May 9, 1974.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel, pole and set lines, including use of live bait on the Medicine Lake National Wildlife Refuge, Medicine Lake, Montana, is permitted from June 15, through September 15, 1974, inclusive, but only on the area designated by signs as open to fishing. This open area comprises 800 acres and is delineated on maps available at refuge headquarters, 3 miles southeast of Medicine Lake, Montana 59247 and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colorado 80225. Sportfishing is permitted on all of Medicine Lake from December 1, 1974 through March 31, 1975, inclusive. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 31, 1975.

DONALD M. WHITE,
Refuge Manager, Medicine Lake National Wildlife Refuge, Medicine Lake, Montana 59247.

MAY 3, 1974.

[FR Doc.74-10676 Filed 5-8-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 69-31; Notice 6]

PART 573—DEFECT REPORTS

Vehicle Identification Numbers; Response to Petitions for Reconsideration

This notice responds to petitions for reconsideration of the amendment of 49 CFR Part 573, "Defect Reports," requiring the submission to NHTSA of the vehicle identification numbers (VIN) of motor vehicles found to contain safety related defects. The amendment was published February 5, 1974 (39 FR 4578). Except insofar as granted by this notice, the requests of the petitioners are denied.

Two petitions for reconsideration, one from General Motors Corporation and the other from Chrysler Corporation, were received. Both petitions objected to the requirement that VIN's be reported in the second quarterly report filed subsequent to the initiation of the defect notification campaign. Both pointed out that the NHTSA had stated in the amendment published February 5, 1974, that it was desirable to defer reporting VIN's until six months had passed from the time a notification campaign had begun. Both petitioners argued that the time for filing the second quarterly report is frequently less than six months, and suggested that the third quarterly report rather than the second was the more appropriate quarterly report to contain vehicle identification numbers. General Motors indicated that the average elapsed time from the initiation of a notification campaign to the filing of the second quarterly report is four and one-half months, while the elapsed time until the filing of the third quarterly report is, on the average, seven and one half months. The NHTSA still believes it reasonable to allow a six-month period from the initiation of the campaign to elapse before VIN's are submitted. Accordingly, the NHTSA has granted the petitions insofar as they request that VIN's be reported in the third quarterly report submitted to NHTSA by the manufacturer.

Chrysler objected to the VIN reporting requirement generally, on the basis that it is unnecessary and will not produce the desired results. It requested that an evaluation of the usefulness of the requirement be conducted after it is in effect, and that appropriate modifications be made if the requirement fails to achieve the desired results. General Motors requested that NHTSA maintain a public record of requests for VIN's so that future consideration can be given to the extent that the data is useful, and to whom it is useful. The NHTSA believes that public availability of VIN's will facilitate locating and repairing defective vehicles no longer in the hands of first purchasers. At the same time it agrees to conduct an evaluation of the efficacy of the requirement once it is in effect. The extent of usage is a relevant aspect of an evaluation of this type, and the NHTSA sees no prohibition against maintaining a public record of requests for the information.

The amended regulation will be effective August 6, 1974, and as such will require all third quarterly reports submitted to NHTSA on or after that date to contain appropriate vehicle identfication numbers. The effective date has been changed from May 6, 1974, as a result of the change requiring the third rather than the second quarterly report to contain VIN's. As a practical matter, VIN's will be required to be reported in the third quarterly report for all defect notification campaigns initiated on or after January 1, 1974 (NHTSA campaign numbers 74-0001 and subsequent campaigns).

In light of the above, 49 CFR Part 573, Defect Reports, is amended by revising § 573.5(e) as follows:

§ 573.5 Quarterly reports.

* * * * *

(e) The information specified in paragraphs (c)(1) through (c)(8) of this section shall be included in the quarterly reports, with respect to each notification campaign, for six consecutive quarters beginning with the quarter in which the campaign was initiated, or until corrective action has been completed on all defective vehicles involved in the campaign, whichever occurs first. The information specified in paragraph (c)(9) of this section shall be included only in the third quarterly report furnished pursuant to this section.

Effective date: August 6, 1974.

(Secs. 103, 112, 113, and 119, Pub. L. 89-563, 80 Stat. 718; 15 U.S.C. 1392, 1401, 1402, 1407, and the delegation of authority at 49 CFR 1.51; Office of Management and Budget approved 04-R5628)

Issued on May 6, 1974.

GENE G. MANNELLA,
Acting Administrator.

[FR Doc.74-10795 Filed 5-7-74;12:46 pm]

[Docket No. 25; Notice 11]

PART 575—CONSUMER INFORMATION REQUIREMENTS

Uniform Tire Quality Grading; Response to Petitions for Reconsideration; Revocation

This notice revokes the Uniform Tire Quality Grading regulation published January 4, 1974 (39 FR 1037), and responds to petitions for reconsideration received with respect to the regulation.

The Uniform Tire Quality Grading regulation specified the use of "control tires" in the establishment of grades for treadwear and traction. The NHTSA expected that control tires would be manufactured by an industry source pursuant to NHTSA contract, and would be available for both industry and government use. A solicitation for a proposal to manufacture control tires was advertised to the domestic tire industry. Two proposals were received. Each, however, has been determined to be nonresponsive to the solicitation, which has accordingly been cancelled.

Due to the failure of NHTSA to procure a control tire, the agency must revoke the Uniform Tire Quality Grading regulation in its present form. The revocation of the regulation renders moot the petitions for reconsideration received.

On May 2, 1974, an order was entered by the United States District Court for the District of Columbia in the case of "Nash v. Brinegar" (Civil Action No. 177-73) requiring the NHTSA to issue, by June 15, 1974, a notice of proposed rulemaking for a revised Uniform Tire Quality Grading regulation having a proposed effective date of May 1, 1975.

In light of the above, § 575.104 "Uniform Tire Quality Grading" of Chapter V, Title 49, Code of Federal Regulations, is revoked, effective on May 9, 1974.

(Sec. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407, 1421, 1423; delegation of authority at 49 CFR 1.51)

Issued on May 6, 1974.

GENE G. MANNELLA,
Acting Administrator.

[FR Doc.74-10796 Filed 5-7-74;12:46 pm]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Assistance to Eligible Volunteer Fire Departments

Part 2, Subtitle A of Title 7, Code of Federal Regulations, is amended to delegate to the Assistant Secretary for Conservation, Research, and Education, and to redelegate to the Chief, Forest Service, the authority to administer the program of assistance to eligible volunteer fire departments authorized by section 306(a) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(13)), and to make certain conforming amendments, as follows:

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries, and Director of Agricultural Economics

1. Section 2.19 is amended by adding a new paragraph (d)(20) to read as follows:

§ 2.19 Delegations of authority to the Assistant Secretary for Conservation, Research, and Education.

* * * * *

(d) *Related to forest service.* * * *

(20) Administer the program for assistance to eligible volunteer fire departments authorized by the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(13)).

* * * * *

2. Section 2.23(a) is amended to read as follows:

§ 2.23 Delegations of authority to the Assistant Secretary for Rural Development.

(a) *Related to farmers home activities.* (1) Administer the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), except (i) with respect to loans for rural electrification and telephone facilities and service delegated to the Assistant Secretary for Rural Development in paragraph (c)(2) of this section; and (ii) the authority contained in section 342 of said act, 7 U.S.C. 1013a; and (iii), the authority under 7 U.S.C. 1926(a)(13), for assistance to eligible volunteer fire departments. This delegation includes the authority to collect, service, and liquidate loans made or insured by the Farmers Home Administration, or its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loans Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporations of Washington, D.C.

* * * * *

Subpart G—Delegations of Authority by the Assistant Secretary for Conservation, Research, and Education

3. Section 2.60 is amended by adding a new paragraph (a)(19) to read as follows:

§ 2.60 Chief, Forest Service.

(a) *Delegations.* * * *

(19) Administer the program for assistance to eligible Volunteer fire departments as authorized by the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(13)).

* * * * *

Subpart I—Delegations of Authority by the Assistant Secretary for Rural Development

4. Section 2.70(a) is amended to read as follows:

§ 2.70 Administrator, Farmers Home Administration.

(a) *Delegations.* * * *

(1) Administration of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921, et seq.), except (i) with respect to loans for rural electrification and telephone facilities and service delegated to the Administrator, Rural Electrification Administration in § 2.72(a)(2); and (ii) the authority contained in section 342 of said act, 7 U.S.C. 1013a; and (iii) the authority under 7 U.S.C. 1926(a)(13), for assistance to eligible volunteer fire departments. This delegation includes the authority to collect, service, and liquidate loans made or insured by the Farmers Home Administration or its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loans Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporation of Washington, D.C.

* * * * *

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.)

Effective date. This amendment is effective on May 6, 1974.

Dated: May 6, 1974.

For Subpart C:

EARL L. BUTZ,
Secretary.

Dated: April 22, 1974.

For Subpart G:

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

Dated: April 25, 1974.

For Subpart I:

WILLIAM W. ERWIN,
Assistant Secretary for Rural Development.

[FR Doc.74-10743 Filed 5-8-74;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Second Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1974

Pursuant to section 5(e) of the Child Nutrition Act of 1966, Pub. L. 89-642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1974, are reapportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama			
Alaska	$97,523	$97,523	
Arizona	113,700	113,700	
Arkansas	3,983		$3,983
California	1,034,183	1,034,183	
Colorado	58,846	54,240	4,606
Connecticut	1,085,670	1,085,670	
Delaware	21,616	21,616	
District of Columbia	4,319	4,319	
Florida	70,907	70,907	
Georgia			
Guam			
Hawaii	10,000		10,000
Idaho	97,246	97,246	
Illinois	667,673	667,673	
Indiana	536,734	536,734	
Iowa	33,913	18,346	15,567
Kansas	257,364	257,364	
Kentucky	15,979	15,979	
Louisiana	3,000	3,000	
Maine	292,501	281,876	10,623
Maryland	5,030	5,030	
Massachusetts	1,179,587	1,179,587	
Michigan	624,388	624,388	
Minnesota	348,909	348,909	
Mississippi	19,026	19,026	
Missouri	838	838	
Montana	325,615	324,393	1,222
Nebraska	139,803	101,262	38,541
Nevada	40,000	37,000	3,000
New Hampshire	178,151	178,151	
New Jersey	1,709,388	1,709,388	
New Mexico	22,957	22,957	
New York	696,124	696,124	
North Carolina			
North Dakota	22,613	20,516	2,097
Ohio	1,193,412	1,142,999	50,413
Oklahoma	31,977	31,977	
Oregon	55,430	55,430	
Pennsylvania	881,214	838,105	43,109
Puerto Rico	109,812	109,812	
Rhode Island	928,501	928,501	
South Carolina			
South Dakota	75,137	75,137	
Tennessee	39,112	39,112	
Texas	57,149	46,934	10,215
Utah	98,207	98,207	
Vermont	115,109	115,109	
Virginia	41,465	2,792	38,673
Virgin Islands	254,007	254,007	
Washington	121,050	76,332	44,718
West Virginia	74,165	58,051	16,114
Wisconsin	193,636	183,636	10,000
Wyoming	3,172	3,172	
Subtotal	13,990,141	13,687,260	302,881
Balance	64,859		
Total	14,055,000		

The survey made of nonfood assistance funds provided under section 5(a) of the Child Nutrition Act determined that only $13,219 could be released by States. This amount was determined to be too insignificant to be reapportioned and will be carried over into fiscal year 1975.

(Sec. 2, 5, 6 and 8 through 16, 80 Stat. 885-890; U.S.C. 1771, 1774, 1775, 1777-1785)

Dated: May 3, 1974.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.74-10597 filed 5-8-74;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. 51]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPLICATION OF CONTRACT PROVISIONS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended in the following respect:

1. Section 401.107 of this chapter is amended to read as follows:

§ 401.107 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the insurance contract, whenever an insured person under any contract of crop insurance entered into under these regulations, or any other regulations in this chapter issued pursuant to the Federal Crop Insurance Act, as amended, has suffered a loss to a crop which is not insured, or for which he is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which he believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, because of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation and the Board of Directors of the Corporation, or the Manager in cases involving not more than $5,000.00, finds (a) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (b) that said insured person relied thereon in good faith, and (c) that to deny said insured's claim for indemnity would not be fair and equitable, such insured person shall be entitled to such indemnity the same as if otherwise entitled thereto.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516))

The only change made by the proposed amendment with respect to § 401.107 is the insertion of "or the Manager in cases involving not more than $5000.00." Thus, the proposed amendment simply authorizes the Manager to make the necessary findings in cases involving not more than $5000.00, and relieves the Board of Directors of the necessity for doing so. Since the foregoing amendment contained only a change in administrative procedure consisting of a delegation of authority within the agency and involved no substantive change in the insurance contract, the Board of Directors found that it would be unnecessary to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on April 17, 1974, to become effective May 9, 1974.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on May 6, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-10672 Filed 5-8-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 324]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period May 10–16, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.624 Navel Orange Regulation 324.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is holding well.

Prices f.o.b. averaged $3.55 a carton on a reported sales volume of 825 carlots last week, compared with an average f.o.b. price of $3.71 per carton and sales of 958 carlots a week earlier. Track and rolling supplies at 285 cars were down 195 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 7, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period May 10, 1974, through May 16, 1974, are hereby fixed as follows:

(i) District 1: 650,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 8, 1974.

CHARLES R. BRADEN,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service

[FR Doc.74–10928 Filed 5–8–74;11:39 am]

[Valencia Orange Reg. 464]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 10–16, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.764 Valencia Orange Regulation 464.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to improve.

Prices f.o.b. averaged $3.50 per carton on a reported sales volume of 362 carlots last week, compared with an average f.o.b. price of $3.45 per carton and sales of 259 carlots a week earlier. Track and rolling supplies at 279 cars were up 60 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 7, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 10, 1974, through May 16, 1974, are hereby fixed as follows:

(i) District 1: 300,000 cartons;

(ii) District 2: 255,000 cartons;

(iii) District 3: 195,000 cartons."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 8, 1974.

CHARLES R. BRADEN,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service

[FR Doc.74–10927 Filed 5–8–74;11:38 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 14, Amdt. 3]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Size Requirement for Imports of Pink Seedless Grapefruit

This amendment lowers the minimum diameter restriction applicable to imported pink seedless grapefruit to $3\frac{5}{16}$ inches on May 6, 1974. The restriction is the same as that applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This regulation imposes the same size requirement on imported pink seedless grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

Order. In § 944.110 (Grapefruit Regulation 14; 38 FR 26108, 28286; 39 FR 7798) the provisions of paragraph (a) are amended to read as follows:

§ 944.110 Grapefruit Regulation 14.

(a) * * *

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than $3\frac{12}{16}$ inches in diameter except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.); and

(3) Seedless grapefruit other than pink seedless grapefruit shall be not smaller than $3\frac{9}{16}$ inches in diameter, and pink seedless grapefruit shall be not smaller than $3\frac{5}{16}$ inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment imposes the same restrictions on imports

of pink seedless grapefruit as are applicable under amended Grapefruit Regulation 74 (§ 905.551) to the shipment of pink seedless grapefruit grown in Florida; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of pink seedless grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 2, 1974, to become effective May 6, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–10661 Filed 5–8–74;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Nursing Student Loans

In the FEDERAL REGISTER of August 30, 1973 (38 FR 23414) the Acting Director, National Institutes of Health, with the approval of the Secretary of Health, Education, and Welfare, proposed to amend Part 57 by repealing Subpart D of Part 57 and substituting a new Subpart D in lieu thereof. The purpose of the proposed change was to implement certain statutory changes made by the Nurse Training Act of 1971 (Pub. L. 92–158).

Interested persons were afforded the opportunity to participate in the rulemaking through the submission of comments on or before October 1, 1973. The bulk of the comments received requested additions or changes which could be effectuated only through further amendments to the statute. These suggestions were: (1) That § 57.314(a) be modified to provide for deferring repayment of loans until a borrower completes his undergraduate studies, whether in nursing or other fields of study, (2) that the Secretary require schools to notify students of the reason for the approval or disapproval of their loan application (which is already standard procedure for many institutions), (3) that employed nurses aides and attendants be given preference for nursing student loans and (4) that individuals be entitled to receive 100 percent forgiveness for work in service areas.

Two other suggestions were also made The first suggestion was that a provision be added to § 57.309 prohibiting discrimination on the basis of age. This suggestion will be given serious consideration, but inasmuch as its nature requires coordination with other components of the Department, such as the Office for Civil Rights, no addition to the regulations has been made at this time. Such consideration however may dictate future amendment of the regulations in this regard. The second suggestion was that the regulations be modified to require that borrowers be given notification of the various methods for repayment of their loans. This suggestion was not implemented since, although not in the regulations, the Department already requires through its "Manual of Information, Policies, and Procedures" that schools conduct an "exit interview" with each borrower to assure that the student is aware of the obligations and benefits available to him under the program.

There have, however, been a few minor changes in the regulations as proposed, which are merely editorial and technical in nature, and are self-explanatory.

Effective date. The regulations as set forth below shall become effective on or before June 10, 1974.

Dated: February 26, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: May 3, 1974.

CASPAR W. WEINBERGER,
Secretary.

Subpart D—Nursing Student Loans

Sec.
57.301 Applicability.
57.302 Definitions.
57.303 Eligibility of schools.
57.304 Application by school.
57.305 Agreements for Federal Capital Contributions and Federal Capital Loans.
57.306 Allotment and payment of Federal Capital Contributions and Federal Capital Loans.
57.307 Federal Capital Loan promissory note.
57.308 Nursing Student Loan Funds.
57.309 Nondiscrimination.
57.310 Eligibility and selection of nursing student loan recipients.
57.311 Maximum amount of nursing student loan.
57.312 Evidence of student indebtedness—promissory note; security.
57.313 Payment of nursing student loans.
57.314 Repayment and collection of nursing student loans.
57.315 Cancellation of nursing student loans for disability and death.
57.316 Loan cancellation or repayment for service.
57.317 Repayment of loans made subsequent to November 17, 1971, for failure to complete course of study.
57.318 Records, reports, inspection and audit.
57.319 Additional conditions.
57.320 Noncompliance.

AUTHORITY: Sec. 215, 58 Stat. 170, as amended (42 U.S.C. 216).

Subpart D—Nursing Student Loans

§ 57.301 Applicability.

The regulations in this subpart are applicable to Federal Capital Contributions and Federal Capital Loans made by the Secretary to public or other nonprofit schools of nursing under sections 822 and 827 of the Public Health Service Act and to loans made to students by such schools pursuant thereto.

§ 57.302 Definitions.

All terms not defined herein shall have the same meaning as given them under title VIII of the Act. As used in this subpart, the following terms shall have the following meanings:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare, and any other officer or employee to whom the authority involved has been delegated.

(c) "School" means a public or other nonprofit school of nursing as defined in section 843 of the Act.

(d) "Nursing Student Loan Fund or Funds" means a Fund established at a school pursuant to part B of title VIII of the Act, either with Federal Capital Contributions together with Institutional Capital Contributions, or with Federal Capital Loans. Where a school received monies from both sources of payment, reference is made to Funds.

(e) "Federal Capital Contribution" means the capital portion allotted by the Secretary to a school for deposit in a Nursing Student Loan Fund pursuant to section 824 of the Act.

(f) "Institutional Capital Contribution" means the money provided by a school, in an amount not less than one-ninth of the Federal Capital Contribution, and deposited in a Nursing Student Loan Fund.

(g) "Federal Capital Loan" means a loan made by the Secretary to a school pursuant to section 827(a) of the Act; the proceeds of which are to be deposited in a Nursing Student Loan Fund.

(h) "Nursing student loan" means the amount of money advanced to a student by a school from a Nursing Student Loan Fund as defined in paragraph (d) of this section, under a properly executed promissory note.

(i) "Educational loan" means a nursing student loan as defined in paragraph (h) of this section or the amount of money provided to a student under any other bona fide loan which the Secretary determines was reasonably necessary for meeting the student's costs of attending a school of nursing, taking into account the tuition, fees, books, equipment, living expenses, and such other expenses as the Secretary determines were reasonably necessary to enable an individual to attend such school.

(j) "Full-time student" means a student who is enrolled in a school and pursuing a course of study which constitutes a full-time academic workload, as determined by the school, leading to a diploma in nursing, an associate degree in nursing or an equivalent degree, a baccalaureate degree in nursing or an equivalent degree, or a graduate degree in nursing.

(k) "Half-time student" means a student who is enrolled in a school and pursuing a course of study which constitutes at least one-half of a full-time

academic workload but less than a full-time academic workload, as determined by the school, leading to a diploma in nursing, an associate degree in nursing, a baccalaureate degree in nursing or an equivalent degree, or a graduate degree in nursing.

(l) "Good standing" means the eligibility of a student to continue in attendance at the school where he is enrolled as a student in accordance with the school's standards and practices.

(m) "Date upon which a student ceases to be a full-time or half-time student" means the first day of the month which is nearest to the date upon which he ceases to be a full-time or half-time student as defined in paragraphs (j) and (k) of this section, respectively.

(n) "Academic year" means the traditional, approximately 9-month September to June annual session. For the purpose of computing academic year equivalents for students who, during a 12-month period, attend for a longer period than the traditional academic year, the academic year will be considered to be of 9 months' duration.

(o) "Fiscal year" means the Federal fiscal year commencing on the first day of July and ending on the 30th day of June.

(p) "Permanently and totally disabled" means the inability to engage in any substantial gainful activity because of medically determinable impairment, which impairment is expected to continue for a long and indefinite period of time, or to result in death.

(q) "Uniformed service" means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Ocean Survey, and the U.S. Public Health Service.

(r) "National of the United States" means (1) a citizen of the United States or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States (8 U.S.C. 1101(a)(22)).

(s) "State health authority" means the Director of the agency responsible for administering or supervising the administration of the State plan for health services under section 314(d) of the Act.

(t) "Registered nurse" means an individual who has been licensed by a State Board of Nursing to practice professional nursing pursuant to State licensing laws requiring as a minimum one of the degrees or diplomas specified in paragraph (j) of this section.

§ 57.303 Eligibility of schools.

To be eligible for a Federal Capital Contribution or a Federal Capital Loan under this subpart, the applicant shall meet the applicable requirements of sections 822(a) and 827(a) of the Act.

§ 57.304 Application by school.

(a) Each school desiring a Federal Capital Contribution or a Federal Capital Loan under Title VIII of the Act shall submit an application in such form and at such time as the Secretary may require.[1] The application shall be executed by an official authorized to act for the applicant school and to assume on behalf of the applicant school the obligations imposed by the terms and conditions of any Federal Capital Contribution or Federal Capital Loan, including the regulations of this subpart.

(b) Each application shall be reviewed to determine institutional eligibility and the reasonableness of the amount requested. When necessary to these ends, the Secretary may require the submission of additional data.

§ 57.305 Agreements for Federal Capital Contributions and Federal Capital Loans.

(a) *Federal Capital Contribution agreements.* No application for a Federal Capital Contribution shall be approved unless there is in effect an Agreement between the Secretary and the applicant school for Federal Capital Contributions pursuant to section 822 of the Act.

(b) *Federal Capital Loan agreements.* No application for a Federal Capital Loan shall be approved unless there is in effect an Agreement between the Secretary and the applicant school for Federal Capital Loans containing the terms required by section 827(b) of the Act and such additional terms and conditions, consistent with the applicable provisions of section 822 of the Act, as the Secretary deems appropriate.

§ 57.306 Allotment and payment of Federal Capital Contributions and Federal Capital Loans.

(a) *Annual allotment.* At a time determined by him, the Secretary shall make allotments to each school with which he has entered into an agreement pursuant to § 57.305. The allotment to each school, whether in the form of Federal Capital Contributions or Federal Capital Loans or a combination of both, shall be an amount which bears the same ratio to the total amount of Federal funds determined by the Secretary at the time of such allotment to be available for such fiscal year for the Nursing Student Loan Program as the number of full-time students in such schools bears to the estimated total number of full-time students in all such schools in all the States during such year.

(b) *Supplementary allotment from revolving fund only.* From funds which become available during any fiscal year for payment to schools from the revolving fund established by section 827(a) of the Act after the allotments pursuant to paragraph (a) of this section for such fiscal year have been made, the Secretary may, in his discretion and at such time as he shall determine, make supplementary allotments to schools with which he has Federal Capital Loan Agreements and who request funds for such fiscal year in excess of the amounts allotted to them pursuant to paragraph (a) of this section. If the total need for supplementary funds exceeds the amount determined by the Secretary to be available for supplementary allotments, the supplementary allotment to each school shall be reduced to whichever of the following is the smaller: (1) The supplementary amount requested or (2) an amount which bears the same ratio to the amount determined by the Secretary to be available for supplementary allotment as the number of full-time students estimated by the Secretary to be enrolled in such school bears to the estimated total number of full-time students enrolled for such year in all schools which request supplementary allotments. Any amounts remaining after such supplementary allotment may be allotted among schools in such manner as the Secretary determines will best carry out the purposes of the Act.

(c) *Payment.* The allotment of Federal Capital Contributions and/or Federal Capital Loans to a school shall be paid in such amounts, at such times, and in such installments as will not result in unnecessary accumulation of money in any Nursing Student Loan Fund.

§ 57.307 Federal Capital Loan Promissory note.

Each Federal Capital Loan shall be made subject to the terms of a promissory note which shall be executed by an authorized official on behalf of the borrowing school. Each such note shall include such terms with respect to the payment of interest and the repayment of principal as are consistent with the provisions of section 827 of the Act, and shall include such other terms as the Secretary finds reasonably necessary to protect the financial interests of the United States and to promote the purposes of the Act.

§ 57.308 Nursing Student Loan Funds.

(a) *Funds established with Federal Capital Contributions.* Any fund established by a school with Federal Capital Contributions shall be deposited and carried in a special account of such school. There shall be in such fund at all times monies representing the Institutional Capital Contribution, equal to at least one-ninth of the amount of the balance of the Federal Capital Contributions in such fund.

(1) Except for funds transferred as provided for in paragraph (a)(2) of this section, such fund shall be used by such school only for (i) nursing student loans to students; (ii) capital distribution as provided in section 826 of the Act or as agreed to by the school and the Secretary; and (iii) costs of litigation and, to the extent specifically approved by the Secretary, other collection costs that are in excess of the usual expenses incurred in the collection of nursing student loans.

(2) Not to exceed 20 percent of the amount paid to any such school from the appropriation for any fiscal year ending after June 30, 1969, for Federal Capital Contributions may be transferred to the

[1] Applications and instructions are available from the Regional Health Manpower Director at the Regional Office of the Department of Health, Education, and Welfare for the region in which the applicant is located.

sums available to the school for scholarship awards under section 860 of the Act, to be used for the same purpose as such sums; *Provided, however,* That where the Secretary finds in a particular case that a school has demonstrated an unusual need for scholarship funds, he may approve the transfer of any amount in excess of 20 percent of the amount so paid. In the case of any transfer pursuant to this subparagraph, the proportionate amount of the Institutional Capital Contribution (i.e., one-ninth of the amount so transferred) may be withdrawn by the school from such fund.

(b) *Funds established with Federal Capital Loans.* Any fund established by a school with Federal Capital Loans shall be deposited and carried in a special account of such school, and shall be used by such school only for (1) nursing student loans to students; (2) repayments of principal and interest on Federal Capital Loans; and (3) costs of litigation and, to the extent specifically approved by the Secretary, other collection costs that are in excess of the usual expenses incurred in the collection of nursing student loans.

§ 57.309 Nondiscrimination.

(a) No eligible applicant shall be denied a nursing student loan on the grounds of sex or creed.

(b) Attention is called to the requirements of section 845 of the Act and 45 CFR Part 83 which together provide that the Secretary may not enter into a contract under title VIII of the Act with any entity unless he receives satisfactory assurances that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(c) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d et seq.), which provides that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which is applicable to Federal Capital Contributions and Federal Capital Loans made under Title VIII of the Act, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(d) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.

§ 57.310 Eligibility and selection of nursing student loan recipients.

(a) *Eligibility.* Nursing student loans from any fund may be made only to students who are:

(1) Nationals of the United States or who are in a State for other than temporary purposes and intend to become permanent residents of a State;

(2) Enrolled, or accepted for enrollment, in the school as full-time or half-time students, as defined in § 57.302 (j) and (k) respectively;

(3) In need of the amount of the loan to pursue the course of study at the school; and

(4) Capable, in the opinion of the school, of maintaining good standing in such course of study.

(b) *Selection of nursing student loan recipients and determination of need.* It shall be the responsibility of the school to select qualified applicants and to make reasonable determinations of need.

(1) In selecting nursing student loan recipients, the school shall give preference to licensed practical nurses.

(2) In determining whether a student is in need of a nursing student loan to pursue a full-time or half-time course of study at the school, the school shall take into consideration:

(i) The financial resources available to the student, and

(ii) The costs reasonably necessary for the student's attendance at the school, including any special needs and obligations which directly affect the student's financial ability to attend the school on a full-time or half-time basis.

(c) *Records of approval or disapproval.* The records of the school shall indicate the basis for approval or disapproval of all or any part of each student application for a nursing student loan.

§ 57.311 Maximum amount of nursing student loan.

(a) *Maximum per academic year.* Effective on November 18, 1971, the total of the nursing student loans made from a Fund or Funds to any student for an academic year may not exceed $2,500. The maximum amount loaned during a 12-month period to any student enrolled in a school which provides a course of study longer than the 9-month academic year may be proportionately increased.

(b) *Aggregate maximum.* Effective on November 18, 1971, the aggregate of nursing student loans for all years from a Fund or Funds may not exceed $10,000 in the case of any student.

§ 57.312 Evidence of student indebtedness—promissory note; security.

(a) *Evidence of indebtedness—promissory note.* Each nursing student loan to a student from any Fund or Funds shall be evidenced by a promissory note executed by the student borrower, in such form as shall be approved by the Secretary.

(1) Any substantive deviations from the promissory note form so approved shall be made only pursuant to approval by the Secretary prior to the making of any nursing student loan evidenced thereby, except that a school which elects to require security or endorsement in cases permitted under paragraph (b) of this section may include a provision reflecting such election without prior approval.

(2) Each promissory note executed subsequent to June 30, 1969, shall include a provision stating that the nursing student loan evidenced thereby shall bear interest, on the unpaid balance of such loan, computed only for periods during which repayment of the loan is required, at the rate of 3 percent per year.

(3) A copy of each executed note shall be supplied by the school to the student maker thereof.

(b) *Security.* Neither security nor endorsement shall be required except that if the borrower is a minor and if under the applicable State law the note executed by him would not create a binding obligation, then the school is permitted to require security or endorsement.

§ 57.313 Payment of nursing student loans.

(a) Nursing student loans from any Fund or Funds shall be paid to or on behalf of student borrowers in such installments as are deemed appropriate by the school, except that no school shall pay to or on behalf of any borrower more during any given installment period (e.g., semester, term, or quarter) than the school determines that he needs for such period.

(b) No payment shall be made from any Fund to or on behalf of any student borrower if at the time of such payment such borrower is not a full-time or half-time student as defined in § 57.302(j) and (k), respectively.

§ 57.314 Repayment and collection of nursing student loans.

(a) *Repayment of nursing student loans.* Subject to the provisions of this paragraph, any nursing student loan including interest accrued thereon, shall be repayable in equal or graduated periodic installments in amounts calculated on the basis of a 10-year repayment perod. Except as otherwise provided in this paragraph, repayment of any nursing student loan made after June 30, 1969 shall begin 9 months after the student ceases to be a full-time or half-time student: *Provided, however,* That in the case of students who received nursing student loans subsequent to June 30, 1969, but prior to November 18, 1971, repayment shall begin 9 months after the student ceases to be a full-time student.

(1) When a borrower, within such 9-month period, reenters the same or another school of nursing as a full-time or half-time student, the date upon which interest accrual and the repayment period begin shall be related to and determined by the date on which he last ceases to be a full-time or half-time student at any such school: *Provided, however,* That in the case of students who received loans subsequent to June 30, 1969, but prior to November 18, 1971, this provision will apply only if the student reentered such school as a full-time student.

(2) The following periods shall be excluded from the 10-year repayment period:

(i) All periods of up to a total of 3 years of active duty performed by the borrower as a member of a uniformed service;

(ii) All periods of up to a total of 3 years of service as a volunteer under the Peace Corps Act; and

(iii) All periods up to a total of 5 years during which the borrower is pursuing a full-time course of study at a school leading to a baccalaureate degree in nursing or an equivalent degree, or to a graduate degree in nursing, or is otherwise pursuing advanced professional training in nursing. For purposes of this paragraph, "otherwise pursuing advanced professional training in nursing" shall include only full-time training, beyond the first diploma or degree in nursing received by the particular borrower, of at least one academic year which will advance the borrower's knowledge of and strengthen his skills in the provision of nursing services.

(3) With respect to nursing student loans made before July 1, 1969, all periods specified in paragraph (a)(2) of this section after June 30, 1968, may be excluded from such repayment period where so agreed by the school which made such loan and the borrower: *Provided, however,*

(i) That in no such case may the total of the periods excluded from the repayment period pursuant to paragraphs (a)(2)(i) or (a)(2)(ii) of this section and the period between the date on which the borrower ceases to be a full-time student and the date on which, under the terms of the promissory note evidencing such loan, the repayment period is to begin, exceed 3 years and 9 months; and

(ii) That in any such case all periods during which the borrower is pursuing a full-time course of study at a school leading to a baccalaureate degree in nursing or an equivalent degree, or to a graduate degree in nursing, shall be excluded from the repayment period, without limitation; and

(iii) That in no such case may the total of the periods excluded from the repayment period because the borrower is otherwise pursuing advanced professional training in nursing and the period between the date on which the borrower ceases to be a full-time student and the date on which, under the terms of the promissory note evidencing such loan, the repayment period is to begin, exceed 5 years and 9 months.

(4) Each student borrower may (subject to the provisions of paragraph (b)(3) of this section) choose the repayment schedule which he prefers from those in use by the school and approved by the Secretary, but a student borrower may, at his option and without penalty, prepay all or part of the principal and accrued interest at any time.

(b) *Collection of nursing student loans.* (1) Each school at which a Fund is established shall exercise due diligence in the collection of all nursing student loans due the Fund. The school shall use such collection practices as are generally accepted among institutions of higher education and which are at least as extensive and effective as those used in the collection of other student loan accounts due the school.

(2) With respect to any nursing student loan made after June 30, 1969, the school may assess a charge for failure of the borrower to pay all or part of an installment when it is due, and, in the case of a borrower who is entitled to deferment benefits under section 823(b)(2) of the Act or concellation benefits under section 823(b)(3) of the Act, for any failure to file timely and satisfactory evidence of such entitlement. The amount of such charge may not exceed $1.00 for the first month or part of a month by which such installment or evidence is late and $2.00 for each such month or part of a month thereafter. The school may elect to add the amount of such charge to the principal amount of the nursing student loan as of the first day after the day on which such installment or evidence was due or to make the amount of the charge payable to the school not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

(3) With respect to any nursing student loan made after June 30, 1969, the school may provide that during the repayment period of such loan, payments of principal and interest by the borrower with respect to all the outstanding nursing student loans made to him from any Nursing Student Loan Fund shall be at a rate equal to not less than $15.00 per month.

§ 57.315 Cancellation of nursing student loans for disability and death.

(a) *Permanent and total disability.* Determinations as to whether or not a student borrower is entitled to cancellation of indebtedness in accordance with section 823(b)(4) of the Act on the basis of permanent and total disability shall be made by the Secretary on the recommendation of the school to whose fund the borrower is indebted, supported by such medical certifications as the Secretary may require relating to the borrower's disability.

(b) *Death.* The determination as to whether or not a student borrower is entitled to cancellation of indebtedness in accordance with section 823(b)(4) of the Act because of the death of the borrower shall be made by the school to which the borrower is indebted on the basis of a certification of death or such other official proof as is conclusive under State law.

§ 57.316 Loan cancellation or repayment for service.

(a) *Cancellation for full-time employment as a registered nurse.* (1) Any person who obtained one or more nursing student loans from a loan Fund or Funds established under Title VIII of the Act and who engages in full-time employment as a registered nurse (including teaching in any of the fields of nurse training or service as an administrator, supervisor, or consultant in any of the fields of nursing) in any public or nonprofit private agency, institution, or organization (including neighborhood health centers) shall be entitled upon compliance with the statute, the regulations of this subpart and instructions issued pursuant thereto, to have a portion of such nursing student loans canceled as follows: Fifteen percent of the total amount of such loans (plus accrued interest thereon) which is unpaid on the first day of such service, for each of the first, second, and third year of such service, and 20 percent of the total of such amount (plus accrued interest thereon) for each complete fourth and fifth year of such service thereafter, up to 85 percent of the total of such loans, plus accrued interest thereon: *Provided, however,* That with respect to nursing student loans made prior to November 18, 1971 a borrower shall only be entitled to cancellation of an amount not to exceed 50 per centum of any such loan plus accrued interest thereon) at the rate of 10 per centum of the amount of such loan (plus accrued interest thereon), which was unpaid on the first day of such service, for each complete year of such service.

(2) The determination of whether a borrower is entitled to have any portion of his nursing student loan canceled for such full-time employment as a registered nurse shall be made by the institution to whose fund such loan is payable, upon receipt and evaluation of an application for cancellation from such borrower.

(b) *Repayment and cancellation for service in shortage area.* (1) Subject to the provisions of section 823(h) of the Act and of this paragraph, any person who has obtained the degree or diploma specified in § 57.302(j) and who has obtained an educational loan as defined in § 57.302(i) of this subpart and who enters into an agreement with the Secretary to serve as a full-time registered nurse for a period of at least two consecutive years in an area in a State determined by the Secretary, after consultation with the State health authority, to have a shortage of and need for nurses, is entitled to have the principal, and interest on, such loans repaid by the Secretary as follows:

(i) Upon completion by the borrower of the first year of service as specified in the agreement, the Secretary shall pay 30 percent of the principal of, and the interest on, each such loan which is unpaid as of the date the borrower began service.

(ii) Upon completion by the borrower of the second year of such service, the Secretary shall pay another 30 percent of the principal of, and the interest on, each such loan which was unpaid as of the date the borrower began such service.

(iii) Upon completion by the borrower of the second year of such service, the shall pay another 25 percent of the principal of, and interest on, each such loan which was unpaid as of the date the borrower began such service.

(2) Notwithstanding the requirement in paragraph (b)(1) of this section of completion of such service, the Secretary shall on or before the due date thereof, pay any loan or loan installment which may fall due within the period of service for which the borrower is eligible to receive such payments. Such payments will be made contingent upon a declaration by the borrower, at such times and in such manner as the Secretary may prescribe, that the borrower is then engaged in service eligible for such payments and will continue to be so engaged for the period required (in the absence of this subparagraph) to entitle the borrower to have such payments made, except that no more than 85 percent of the principal of any such loan shall be paid by the Secretary pursuant to this subparagraph.

(3) A borrower who fails to complete two years of service pursuant to the agreement entered into with the Secretary shall be liable to reimburse the Secretary for any payments made pursuant to such agreement.

(4) A borrower who fails to complete a third year of service shall be liable to reimburse the Secretary for any payments made pursuant to paragraph (b)(2) of this section in consideration of such service.

(5) In accordance with section 823(h) of the Act, an area in a State shall be determined by the Secretary, after consultation with the State health authority, to have a shortage of and need for nurses, based upon consideration of, among other pertinent factors: (i) The latest reliable statistical data available to him regarding the number of registered nurses in an area and the population to be served by such nurses; (ii) the availability of health services to the residents of the area; (iii) particular local health problems; and (iv) designation of an area under section 329(b) of the Act as one with a critical health manpower shortage. A listing of such areas in which service as a registered nurse would qualify a borrower for repayment under paragraph (b)(1) of this section will be promulgated periodically by the Secretary and published in the FEDERAL REGISTER together with an explanation of the methodology used in determining such areas.

(6) Notwithstanding the above, any person who obtained one or more nursing student loans prior to November 18, 1971, and who engages in full-time employment as a registered nurse in a public or other nonprofit hospital in an area which has been determined by the Secretary pursuant to this subparagraph to have a substantial shortage of nurses at such hospitals shall be entitled, upon compliance with the applicable statute, regulations, and instructions, to have a portion of such loans canceled as follows: Fifteen per centum of the total of such loans (plus accrued interest thereon) which is unpaid on the first day of such service, for each year of such service beginning after August 16, 1968, up to 100 percent of the total of such loans, plus accrued interest thereon.

(i) An area shall be determined to have a substantial shortage of nurses if the number of registered nurse hours of service per patient day in the public or other nonprofit hospital serving such area is lower than the median number of registered nurse hours of service per patient day for all public or other nonprofit hospitals of its category in all States. For purposes of this subparagraph, all public or other nonprofit hospitals in all States shall be grouped by the Secretary according to the following categories:

(A) Short-term general and allied special hospitals,

(B) Psychiatric hospitals,

(C) Tuberculosis hospitals,

(D) Chronic and convalescent hospitals, and

(E) All other hospitals.

(ii) For purposes of this subparagraph, a year of service in a public or other nonprofit hospital means any 12-month period of continuous service (A) after the date the person begins service in such hospital if the area primarily served by the hospital is at that time designated as an area in which there is a substantial shortage of nurses, or (B) after the date as of which the area is designated an area with a substantial shortage of nurses if the area was so designated subsequent to the date that such person began service in the hospital: *Provided,* That, when an area's designation is changed, after a borrower would otherwise be eligible for cancellation of a portion of his loan by serving in the hospital in such area, so that such area no longer has a substantial shortage of nurses, such change in designation shall not affect the eligibility of such borrower to have a portion of his loan cancelled for any year in which he continues to serve as a nurse in the hospital in such area.

(iii) The determination of whether a borrower is entitled to have a portion of his loan cancelled in accordance with this subparagraph shall be made by the institution to whose fund such loan is payable, upon receipt and evaluation of an application for cancellation from such borrower.

(iv) All determinations of the Secretary pursuant to this subparagraph shall be made on the basis of the latest reliable statistical data available to him.

(v) Hospitals in which employment will qualify borrowers for cancellation under the provisions of this subparagraph shall be identified in a list promulgated periodically by the Secretary in the FEDERAL REGISTER.

(7) Nothing in paragraph (b)(6) of this section or paragraph (a) of this section shall be construed to prevent any person from entering into an agreement with the Secretary pursuant to section 823(h) of the Act.

§ 57.317 Repayment of loans made subsequent to November 17, 1971 for failure to complete program of study.

In the event the Secretary undertakes to repay educational loans pursuant to section 830 of the Act, he shall utilize the following criteria in making his determination as to each applicant's eligibility:

(a) An applicant will be considered to have failed to complete the course of study in nursing for which an eligible educational loan was made upon certification by a school of nursing that the individual ceased to be enrolled in such school subsequent to November 17, 1971;

(b) An applicant will be considered to be in exceptionally needy circumstances if, upon comparison of the income and other financial resources of the applicant with his expenses and financial obligations, the Secretary determines that repayment of such loan would constitute a serious economic burden on the applicant. In making such determination the Secretary shall take into consideration the net financial assets of the applicant and the relationship of the income available to the applicant to the low-income levels published annually by the Secretary pursuant to paragraph (c) of this section;

(c) An applicant will be considered to be from a low-income family if the applicant comes from a family with an annual income below a level based on low-income thresholds by family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index and multiplied by a factor to be determined by the Secretary for adaptation to this program, and the family has no substantial net financial assets. Such factor and income levels as adjusted will be published annually by the Secretary in the FEDERAL REGISTER.

(d) An applicant will be considered to be from a disadvantaged family if the individual comes from a family in which the annual income minus unusual expenses which contribute to the economic burdens borne by the family does not exceed the low-income levels published by the Secretary pursuant to paragraph (c) of this section and the family has no substantial net financial assets;

(e) An applicant will be considered as not having resumed his nursing studies within two years following the date the individual ceased to be a student upon a certification so stating from the applicant; and

(f) An applicant will be considered as not reasonably expected to resume his nursing studies within two years following the date upon which he terminated such studies based upon consideration of the reasons for the applicant's failure to complete these studies, taking into account such factors as academic, medical, or financial difficulties: *Provided, however,* That the Secretary shall only repay educational loans made subsequent to November 17, 1971.

§ 57.318 Records, reports, inspection and audit.

(a) *Record and reports.* (1) Each Federal Capital Contribution and Federal Capital Loan shall be subject to the condition that the school shall maintain such records, and file with the Secretary

such reports relating to the operation of the Nursing Student Loan Fund or Funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations. Where any school has both a Fund established with Federal Capital Contributions and a Fund established with Federal Capital Loans, records shall be kept separately for each Fund. All such records shall be retained until such time as agreed upon with the Secretary that there is no further need for retention and must not be destroyed regardless of completion of a Federal audit.

(2) The following individual student records not related to the operation of the Fund must be retained for five years after the individual student has ceased to be at least a half-time student:

(i) Approved or disapproved student applications for assistance;

(ii) Documentation of the financial need of applicants;

(iii) Reasons for approval or disapproval of applications, and

(iv) Such other records as the Secretary may prescribe.

Such individual student records may be destroyed at the end of such five-year period except that in all cases where questions have arisen as a result of Federal audit, such records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a Federal Capital Contribution or a Federal Capital Loan shall constitute the consent of the applicant school to inspection and fiscal audit, by the Secretary and the Comptroller General of the United States or any of their duly authorized representatives, of the fiscal and other records of the applicant school which relate to such Contribution or Loan.

§ 57.319 Additional conditions.

The Secretary may with respect to any agreement entered into with any school pursuant to § 57.305, impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the purposes of the agreement, the interest of the public health or the conservation of funds awarded.

§ 57.320 Noncompliance.

Whenever the Secretary finds that a participating school has failed in a material respect to comply with the applicable provisions of the Act or the regulations of this subpart he may, on reasonable notice to the school, withhold further payments of Federal Capital Contributions or Federal Capital Loans, and take such other action, including the termination of any agreement, as he finds appropriate to carry out the purposes of the applicable provisions of the Act and regulations. In such case no further expenditures shall be made from the Nursing Student Loan Fund or Funds involved until the Secretary determines that there is no longer any such failure of compliance.

[FR Doc.74-10741 Filed 5-8-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 212]

ADMINISTRATION OF FOREST DEVELOPMENT TRANSPORTATION SYSTEM

Use of National Forest System Roads

It is proposed to amend several existing regulations in Part 212, Chapter II, Title 36 of the Code of Federal Regulations, as amended on December 5, 1973 (38 FR 33474), to clarify and simplify road system management.

Increased traffic on the Forest Service road system requires some regulations be made applicable to all roads to protect the roads from damage and to increase the safety of the users. No new regulations are proposed. This proposed amendment is intended to make certain regulations applicable to all Forest Service roads and eliminate the requirement to designate the roads as Special Service to apply them.

To accomplish this, § 212.7 is revised, and §§ 212.10 and 212.11 are amended to bring them into accord with § 212.7, Section 212.9 is amended by deleting the last sentence in paragraph (c) which is in conflict with Pub. L. 91-646 as it pertains to compensation limits for easements or rights of use acquired by the United States.

All person who wish to submit written data, views, or objections pertaining to the proposed amendment may do so by submitting them to the Department of Agriculture, Forest Service, Division of Engineering, Washington, D.C. 20250, on or before June 24, 1974.

All written submissions made pursuant to this notice will be available for public inspection in the Forest Service, Division of Engineering, during regular business hours (7 CFR 1.27(b)).

Accordingly, it is proposed to amend Part 212 as follows:

1. Section 212.7 is revised to read as follows:

§ 212.7 Road System Management.

(a) *Traffic rules.* Rules set forth under this paragraph shall apply to all roads under the jurisdiction of the Forest Service.

(1) *General.* Traffic on roads is subject to State traffic laws where applicable except when in conflict with the rules herein prescribed.

(2) *Specific.* The following specific traffic rules shall apply unless otherwise expressly authorized in writing and use in violation of these rules is prohibited.

(i) The load, weight, length, and width limitations of vehicles shall be in accordance with the laws of the States wherein the road is located. Greater or lesser limits may be imposed by the Forest Service and these greater or lesser limits shall be effective when signs giving notice thereof have been posted upon the road or segment of any road affected by these limits.

(ii) Roads, or segments thereof, may be restricted, by the Chief, to use by certain classes of vehicles or types of traffic. Use restrictions shall be effective when signs giving notice thereof have been posted at the entrances to these roads, or road segments, and notices have been made available to the public at the offices designated in § 200.7 of this chapter. Classes of vehicles are defined to include, but not be limited to, distinguishable groupings such as passenger cars, buses, trucks, motorcycles, snowmobiles, and trailers. Types of traffic are defined to include, but not be limited to, groupings such as commercial hauling, recreation, and administrative.

(iii) Permits or other written authorization may be required by the Chief for commercial hauling. Requirements for permit or other written authorization shall be effective when signs giving notice thereof have been posted upon the road.

(3) *Closures.* The Chief may close roads, or segments thereof, to all vehicle use, except when in conflict with written authorization. Closures shall be effective when signs giving notice thereof have been posted at the entrance to these roads or road segments and notices have been made available to the public at the offices designated in § 200.7 of this chapter. Using vehicles upon a road during any period when the road is closed is prohibited.

(4) *Road damage.* Damaging and leaving in a damaged condition any road, or segment thereof, is prohibited.

(b) *Special Service Roads*—(1) *Authority.* Where the traffic rules in paragraph (a) of this section need to be supplemented to accomplish the purpose of these regulations, the Chief may designate a Forest Development Road, or segment thereof, a "Special Service Road" and further control or regulate the use of the road: *Provided*, That

(i) The road is not a part of the highway system of a State, county, or other public road authority.

(ii) The United States controls the right-of-way.

(2) *Traffic Rules.* Traffic on Special Service roads is subject to paragraph (a) of this section, and to State traffic law, where applicable, except to the extent the Chief deems it necessary to prescribe rules in addition thereto or in conflict therewith to accomplish the purposes of the regulations of this Part 212. These additional rules shall be posted at the entrances to the roads and be available to the public at the offices designated in § 200.7 of this chapter. Violation of the posted rules is prohibited.

(c) *Cost Recovery on Forest Service Roads.* The Chief may determine that a share of the cost of acquisition, construction, reconstruction, improvement, or maintenance of a road, or segment thereof, used or to be used for commercial hauling of non-Federal forests products and other non-Federal products, commodities and materials, should be borne by the owners or haulers thereof. The Chief may condition the permission to use a road, or segment thereof, upon payment to the United States of the proportionate share of the cost and bearing proportionate maintenance as determined to be attributable to the owner's or hauler's use in accordance with § 212.11. This condition to use roads would apply where the owners or haulers: (1) have not shared in the cost of acquisition, construction, reconstruction, or improvement, and (2) have not made contributions to pay their proportionate share of the costs.

(d) *Maintenance and Reconstruction of Forest Service Roads by Users.*—(1) *Maintenance.* The Chief may require, but not in conflict with an existing permit, easement, contract, or other agreement, the user or users of a road, including purchasers of Government timber and other products, to maintain the roads in a satisfactory condition commensurate with the particular use requirements of each. The maintenance to be borne by each user shall be proportionate to total use and no individual user shall be required to perform or bear the costs of maintenance other than that commensurate with his use.

(2) *Reconstruction.* The Chief may require, but not in conflict with an existing permit, easement, contract, or other agreement, the user or users of a road to reconstruct it when, at the time the use is requested, reconstruction is determined to be necessary to accommodate his use.

(3) *Deposits in Lieu of Performance.* If the maintenance or reconstruction cannot be so provided or if the Chief determines that maintenance or reconstruction by a user would not be practical, the Chief may require that sufficient funds be deposited by the user to provide his portion of the total maintenance or reconstruction costs. Deposits made to cover maintenance or reconstruction of roads shall be used for the purposes deposited, except that: (i) Deposits received

for work on adjacent and overlapping areas may be combined when it is the most practicable and efficient manner of performing the work, and cost thereof may be determined by estimates, and (ii) unexpended balances upon accomplishment of the purposes for which deposited shall be transferred to miscellaneous receipts or refunded.

(e) *Deposits for Making Delayed Payments to Cooperator.* Any fees or other collections received by the Chief under the terms of an agreement or other document providing for delayed payments to the Government's cooperator for use of a road shall be placed in a fund available for making these payments.

2. Paragraph (c) of § 212.9 is revised to read as follows:

§ 212.9 Access Procurement by the United States.

* * * * *

(c) *Methods of Compensation for Easements and Rights of Use Acquired by the United States.* Compensation in negotiated acquisitions may be: (1) By payment from appropriated funds; (2) pursuant to reservation in the grant of easement to the United States whereby the grantor reserves the right to require haulers of Federal timber or other Federal products over the road conveyed or thereafter constructed by the grantor to make payments to the grantor in accordance with the terms of the reservation; (3) by granting reciprocal rights; or (4) by a combination of these methods.

* * * * *

§ 212.10 [Amended]

3. Paragraph (b) of § 212.10 is deleted.

4. Paragraphs (d) and (f) of § 212.11 are revised to read as follows:

§ 212.11 Principles for Sharing Use of Roads.

* * * * *

(d) *Cost Recovery by the United States from others.* When roads are used under permit for commercial hauling instead of under cooperative agreement, any cost to be recovered by the United States will be calculated in proportion to the planned use of the road. The road cost used in such calculation will be the amount or estimated amount expended in the acquisition, construction, reconstruction, and improvement of that capacity of the road required to serve the use needs of all parties that are or reasonably can be expected to use the road. The road costs shall not exceed the replacement value of the road. Such road share-cost payments will be through deposits in advance of use unless the user provides a payment bond satisfactory to the Chief guaranteeing that payments will be made promptly upon billing by the Forest Service.

* * * * *

(f) *Road Maintenance and Resurfacing.* Cooperators will share the road maintenance and resurfacing costs under suitable agreements to perform, arrange for performance by others, or by making deposits with the Forest Service which will be used to pay the cost of work necessary to keep such roads in satisfactory condition commensurate with use requirements of each cooperator. No cooperator shall be required to perform or bear such costs other than those occasioned by its individual use. Other users will bear costs in accordance with § 212.7(d).

* * * * *

(25 Stat. 357, 26 Stat. 1103, 30 Stat. 35–36, 1233, 38 Stat. 430, 46 Stat. 1421, 64 Stat. 82, 72 Stat. 885, as amended, 74 Stat. 215, 78 Stat. 1089 (16 U.S.C. 471, 478, 498, 525, 528–531, 532, 538, 551, 572, 23 U.S.C. 101, 205, 40 U.S.C. 257, 258a et seq.); 42 Atty. Gen. Op. No. 7; Comp. Gen. B–65972, May 19, 1947; 40 Comp. Gen. 372; 41 Comp. Gen. 1; 41 Comp. Gen. 576, and 42 Comp. Gen. 590)

ROBERT W. LONG,
Assistant Secretary for Conservation, Research and Education.

MAY 6, 1974.

[FR Doc.74–10745 Filed 5–8–74;8:45 am]

Soil Conservation Service

[7 CFR Part 612]

SNOW SURVEYS AND WATER SUPPLY FORECASTS

Proposed Policy and Procedures for Administration

The Soil Conservation Service (SCS) plans to codify its policy and procedures for the administration of a cooperative snow survey and water supply forecast program.

Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments as they may desire. All communications received on or before June 17, 1974, will be considered before action is taken on the proposed policy and procedures. The proposal contained in this notice may be changed in the light of comments received.

The policy and procedures are proposed under the authority of 26 Stat. 653; Sec. 8, Reorg. Plan No. IV of 1940, 54 Stat. 1234 (5 U.S.C. App.); 5 FR 2421, 3 CFR 1938–1943 Comp. P 1288.

(Catalog of Federal Domestic Assistance Program No. 10.907, National Archives Reference Services)

Dated May 3, 1974.

KENNETH E. GRANT,
Administrator.

PART 612—SNOW SURVEYS AND WATER SUPPLY FORECASTS

Sec.

612.1 Purpose and scope.
612.2 Snow survey and water supply forecast activities.
612.3 Data collected and forecasts.
612.4 Eligible individuals or groups.
612.5 Dissemination of water supply forecasts and basic data.
612.6 Application for water supply forecast service.
612.7 Forecast user responsibility.

AUTHORITY: 26 Stat. 653; Sec. 8, Reorg. Plan No. IV of 1940, 54 Stat. 1234 (5 U.S.C. App.); 5 FR 2421, 3 CFR 1938–1943 Comp. P. 1288.

§ 612.1 Purpose and scope.

This part sets forth Soil Conservation Service (SCS) policy and procedure for the administration of a cooperative snow survey and water supply forecast program. The program provides agricultural water users and other water management groups in the western states area with water supply forecasts to enable them to plan for efficient water management. The program also provides the public and the scientific community with a data base that can be used to accurately determine the extent of the snow resource. The western states area comprises Alaska, Arizona, California (east side of the Sierra Nevada mountain range only), Colorado, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

§ 612.2 Snow survey and water supply forecast activities.

To carry out the cooperative snow survey and water supply forecast program, SCS:

(a) Establishes, maintains, and operates manual and automated snow course and related hydrometeorological networks.

(b) Determines and provides information on the expected water supply including seasonal streamflow data. If pertinent and appropriate to the needs of cooperators and not otherwise available to them, the information includes items such as peak flow, date of peak flow, date the flow will recede to a specified value, length of time flow will remain above specific values, volume of flow between or above specific flow values, forecast procedures for operating reservoirs, and forecasts required for operation of reservoirs.

(c) On request and to the extent SCS resources and any required cooperator contributions are available, establishes hydrometeorological stations to collect and provide data and necessary interpretive analyses to the requesting party.

(d) Develops and encourages use of new techniques and equipment for improving data collection and processing.

(e) Cooperates with other federal, state, and local agencies, organizations, and Canadian provinces and agencies in carrying out snow survey activities, and by written agreement SCS may accept cooperators' funds, materials, equipment, and services for this purpose.

§ 612.3 Data collected and forecasts.

(a) Basic data are currently collected at numerous sites in the western states area. Each site includes a snow course where snow depth and the water equivalent of snow is measured. Many of these sites also provide related hydrometeorological data, such as precipitation, temperature, humidity, solar radiation, and wind.

(b) Water supply forecasts in the western states area are generally made

monthly from January through June. Forecasts may be made more frequently for an established need when data are available to SCS.

§ 612.4 Eligible individuals or groups.

(a) Any individual or group who is a significant water user and who would benefit from a water supply forecast may obtain forecasts from SCS on a regular basis provided data are available to SCS to develop a forecast at the desired location.

(b) The program collects and interprets data as a service and an aid to agricultural interests, particularly those served by or affiliated with soil, water, and other conservation districts. Information collected by SCS for these agricultural users is also made available to other Federal, state, and private agencies and to the general public without charge. Cooperator financial contribution is usually required for special measurements or interpretations beyond the scope of the regular program.

§ 612.5 Dissemination of water supply forecasts and basic data.

Water supply outlook reports prepared by SCS and its cooperators containing water supply forecasts and basic data are usually issued monthly by each SCS state office in the western states area for the months of January through June. Other reports jointly issued by SCS and its cooperators include a fall water supply summary, annual and accumulative summaries of data, and a western states area report covering water supply outlook.

§ 612.6 Application for water supply forecast service.

Requests for obtaining water supply forecasts or related assistance may be directed to any SCS office in the western states area. SCS offices are described in Part 600 of this chapter.

§ 612.7 Forecast user responsibility.

The forecast user's obligation to the federal government is to give appropriate credit and recognition to SCS for information furnished. The federal government does not assume any responsibility for management decisions the user makes which may be based in whole or part on information provided by SCS.

[FR Doc.74-10663 Filed 5-8-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[14 CFR Part 103]

[46 CFR Part 146]

[49 CFR Parts 170, 171, 172, 173, 174, 175, 176, 177]

[Docket Nos. HM-103, 112; Notices 73-9-73-10]

CONSOLIDATION OF HAZARDOUS MATERIALS REGULATIONS

Notice of Extension of Time To File Comments

On January 24, 1974, the Hazardous Materials Regulations Board ("the Board") published Docket No. HM-103; Notice No. 73-10 (39 FR 3164) and Docket No. HM-112; Notice No. 73-9 (39 FR 3022). The comment period in the two notices closes May 28, 1974.

Several petitions have been received by the Board requesting extension of the comment period in both notices. Requests have been filed for time extensions up to September 25, 1974. The Board has considered the reasons submitted in these petitions and has decided that some extension of the comment period is reasonable. Accordingly, the Board has extended the period for comments in both notices of proposed rulemaking from May 28, 1974 to August 31, 1974.

(Transportation of Explosives Act (18 U.S.C. 831-835), sec. 6 Department of Transportation Act (49 U.S.C. 1655); Title VI, section 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), 1655(c)); Dangerous Cargo Act, as amended (46 U.S.C. 170); Tank Vessel Act of 1936, (46 U.S.C. 391a, 46 U.S.C. 375, 46 U.S.C. 416, 49 U.S.C. 1655(b)(1)), 49 CFR 1.46(b))

Issued in Washington, D.C., on May 2, 1974.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.74-10632 Filed 5-8-74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Special Curie Definitions and Concentration Values in Air and Water for Uranium and Thorium; Correction

In FR Doc. 74-8805 appearing at page 13671 in the issue of Tuesday, April 16, 1974, the following change should be made:

1. In the first column on page 13672 the ninth line in proposed new footnote 3 to Appendix B should read "$SA = (0.4 + 0.38E + 0.0034E^2)\ 10^{-6}$".

Dated at Germantown, Md., this sixth day of May 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-10696 Filed 5-8-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 87, 91, 93, 94]

[Docket No. 19869 etc.]

ESTABLISHMENT OF PRIVATE OPERATIONAL-FIXED MICROWAVE RADIO SERVICE

Order Extending Time for Filing Comments

In the matter of amendment of the Commission's rules to establish a Private Operational-Fixed Microwave Radio Service (Part 94), Docket No. 19869; Amendment of Parts 7, 9, 10, 11, and 16 (now 81, 87, 91 and 93) of the Commission's rules to provide for the assignment of frequencies in the bands above 952 MC to operational fixed stations in such services upon a showing that harmful interference will not be caused to existing stations, Docket No. 14179; Petition for rulemaking filed by the National Association of Manufacturers to amend Part 91, RM-1862; Petition for rulemaking filed by the Utilities Telecommunications Council to amend Part 2, RM-339; Petition for rulemaking from American Petroleum Institute to amend Parts 2, 81, 87, 91 and 93, RM-2272. Published at 39 FR 7805, Thursday, February 28, 1974.

In response to a request from the Utilities Telecommunications Council, and for good cause demonstrated therein: *It is ordered*, Pursuant to § 0.331(b)(4) of the Commission's rules, that the time for filing reply comments in the above captioned proceeding is extended from May 1, 1974, until May 15, 1974.

Adopted: April 30, 1974.

Released: May 1, 1974.

[SEAL] CHARLES A HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc. 74-10727 Filed 5-8-74;8:45 am]

[47 CFR Part 43]

[Docket No. 20035; FCC 74-460]

TELEPHONE COMPANIES, WIRE-TELEGRAPH, OCEAN-CABLE CARRIERS AND RADIO-TELEGRAPH CARRIERS

Proposed Changes in Wages and Hours Schedules

In the matter of amendment of Annual Reports Form M, for telephone companies, Form O for wire-telegraph and ocean-cable carriers, and Form R for radiotelegraph carriers to change the wages and hours schedules, Docket No. 20035.

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. It is proposed to amend Schedules 70C of Form M and 408A and 408B of Forms O and R to widen the range of hourly wage categories from the present range of "Less than $1.60" to "$4.75 and over" to "Less than $2.00" to "$8.50 and over." This proposal would replace the present two twenty-cent intervals and eleven twenty-five cent intervals with eight twenty-five cent intervals and nine fifty-cent intervals. The proposal would result in an increase in the total number of wage categories from 15 to 19.

3. These changes are being proposed in recognition (a) of a change in the minimum wage from the present rate of $1.60 per hour to $2.00 per hour and (b) of the substantial increase in wage rates that has been experienced in the communications industry in recent years. The minimum wage rate of $1.60 an hour became effective in 1968 under the Fair Labor Standards Amendments of 1966. Pursuant to our request, the Bureau of Labor Statistics (BLS) of the Department of Labor, which uses the data reported in Schedules 70C, 408A and 408B for statistical purposes has informally recommended that the wage interval begin at "Less than $2.00" followed by eight twenty-five cent intervals to $3.99 and nine fifty-cent intervals to $8.49 with a

terminal category of "$8.50 and over." Because individual pay rates are more dispersed now than when the forms were developed in 1935 the Bureau requests that four wage intervals be added. In addition, it has been determined from data reported in the wages and hours schedules of the annual reports of the communication carriers subject to the reporting requirements of this Commission that in 1971 there were less than .05 percent of employees receiving less than $1.60 an hour and less than 1 percent of employees receiving from $1.60 to $1.99 an hour. However, there was approximately 34 percent of the employees receiving $4.75 and over. Therefore, as suggested by BLS, we are proposing that the wage intervals begin at less than $2.00 and extend to $8.50 and over.

4. In Docket No. 17792 released on June 7, 1968 the Commission stated that in the event of further amendments to the Fair Labor Standards Act with respect to minimum wages, it will order appropriate changes to Schedules 70C, 408A and 408B without issuing any notice of proposed rule making. As previously mentioned, this notice provides for comprehensive revision of these schedules in addition to recognizing the increase in the minimum wage rate from $1.60 to $2.00 per hour. The Commission notes, however, that the "Fair Labor Standards Amendments of 1974" also provide for an increase in the minimum wage rate to $2.10 per hour effective January 1, 1975 and $2.30 per hour effective January 1, 1976. It is the intention of the Commission, therefore, to revise, without a further rule making proceeding the schedules discussed herein in the 1975 and 1976 report forms to recognize the new minimum wage rates which are to become effective January 1, 1975 and January 1, 1976, respectively. The form of the revised schedules will be to establish one category less than the minimum wage fixed by the "Fair Labor Standards Amendments of 1974" in each year with two twenty-cent intervals in 1975 and one twenty cent interval in 1976 together with a combination of twenty-five cent and fifty-cent intervals and one interval for all employees being paid in excess of the range covered by the highest fifty-cent interval with the total number of intervals not to exceed nineteen.

5. If the foregoing proposal is adopted, it is proposed that the amendments will be made effective in the report forms for the year 1974.

6. In view of the foregoing, it is proposed to amend Annual Reports Form M for Telephone Companies, Form O for Wire-Telegraph and Ocean-Cable Carriers, and Form R for Radiotelegraph Carriers as set forth in the attached Appendix below.

7. This notice of proposed rulemaking is issued under authority contained in sections 4(i), 201, 219 and 220 of the Communications Act of 1934, 47 U.S.C. 154 (i), 201, 219 and 220.

8. Pursuant to applicable procedures set forth in 47 CFR 1.415, interested persons may file comments on or before June 17, 1974, and reply comments on or before July 1, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this Notice. Comments in response to this Notice will be available for public inspection in the Commission's Broadcast and Dockets Reference Room.

9. In accordance with the provision of 47 CFR 1.419, an original and fourteen copies of all statements or briefs shall be furnished to the Commission.

Adopted: May 1, 1974.

Released: May 6, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

I. In Annual Report Form M for Telephone Companies, columns g through u are amended and new columns v through y are added to Schedule 70C, Wages and Hours, to read as follows:

Less than $2.00, $2.00 to $2.24, $2.25 to $2.49, $2.50 to $2.74, $2.75 to $2.99, $3.00 to $3.24, $3.25 to $3.49, $3.50 to $3.74, $3.75 to $3.99, $4.00 to $4.49, $4.50 to $4.99, $5.00 to $5.49, $5.50 to $5.99, $6.00 to $6.49, $6.50 to $6.99, $7.00 to $7.49, $7.50 to $7.99, $8.00 to $8.49, and $8.50 and over.

II. Annual Report Form O for Wire-Telegraph and Ocean-Cable Carriers and Form R for Radiotelegraph are amended to read as follows:

1. In Schedule 408A, Employees and Their Salaries—Radiotelegraph and Ocean-Cable, columns h through v are amended and new columns w through z are added to read as follows:

Less than $2.00, $2.00 to $2.24, $2.25 to $2.49, $2.50 to $2.74, $2.75 to $2.99, $3.00 to $3.24, $3.25 to $3.49, $3.50 to $3.74, $3.75 to $3.99, $4.00 to $4.49, $4.50 to $4.99, $5.00 to $5.49, $5.50 to $5.99, $6.00 to $6.49, $6.50 to $6.99, $7.00 to $7.49, $7.50 to $7.99, $8.00 to $8.49, and $8.50 and over.

2. In Schedule 408B, Employees and Their Salaries—Wire-Telegraph, columns h through v are amended and new columns w through z are added to read as follows:

Less than $2.00, $2.00 to $2.24, $2.25 to $2.49, $2.50 to $2.74, $2.75 to $2.99, $3.00 to $3.24, $3.25 to $3.49, $3.50 to $3.74, $3.75 to $3.99, $4.00 to $4.49, $4.50 to $4.99, $5.00 to $5.49, $5.00 to $5.99, $6.00 to $6.49, $6.50 to $6.99, $7.00 to $7.49, $7.50 to $7.99, $8.00 to $8.49, and $8.50 and over.

[FR Doc.74-10723 Filed 5-8-74;8:45 am]

[1] Commissioners Wiley, Chairman, Reid and Hooks, acting as a board; Commissioner Quello not participating.

[47 CFR Part 73]

[Docket No. 19928]

FM BROADCAST STATIONS IN CERTAIN CITIES IN ILLINOIS AND INDIANA

Proposed Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Danville and Hoopeston, Illinois; Fowler, Lafayette, and Terre Haute, Indiana), Docket No. 19928, RM-1971, RM-2203, RM-2161, RM-2244.

1. On January 25, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on February 5, 1974, 39 FR 4586. The date for filing comments has expired and the time for filing reply comments is presently May 8, 1974. (Published at 39 FR 13788, Wednesday, April 17, 1974.)

2. On April 30, 1974, the General Counsel of Wabash College Radio filed a request for an extension of time until June 7, 1974, in order to file comments on the counterproposal of Logansport Broadcasting Company filed on March 27, 1974. Wabash College Radio states that due to prior commitments, counsel that has previously been retained by them is unable to assist them in this matter and therefore Wabash College Radio must retain special counsel. Although actively seeking to secure such special counsel, it is felt by them that a reply comment date of May 8, 1974 will not give the new counsel sufficient time to familiarize himself with Wabash's position and to properly respond to the counterproposal.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the date for filing reply comments is extended to and including June 7, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: April 30, 1974.

Released: May 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-10729 Filed 5-8-74;8:45 am]

[47 CFR Part 73]

[Docket No. 19974; FCC 74-411]

TELEVISION STATIONS IN PONCE, PUERTO RICO

Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606 (b) of the Commission's rules, the table of television assignments, to change Channel 7 at Ponce, Puerto Rico to a Ponce-San Juan assignment; general

policy questions involved in the proposal to move transmitter location of the Ponce, Puerto Rico Channel 7 station to a point closer to San Juan, Puerto Rico, Docket No. 19974.

1. This proceeding was begun by notice of inquiry and of proposed rulemaking or proposed statement of policy, adopted March 13 and released March 20, 1974 (FCC 74–253) and published at 39 FR 11112, Monday, March 25, 1974. Basically, the proceeding involves consideration of various approaches to a proposal by Ponce Television Corporation, licensee of WRIK–TV, Ponce, P.R. (WRIK) to move its transmitter site to a point closer to San Juan than to Ponce; the proceeding was prompted by a "Petition for Declaration of Policies" filed by WRIK last September.

2. The notice specified the dates of comments and reply comments as April 22, and May 3, 1974, respectively. By petitions filed March 28 and March 29, the licensees of the two San Juan Commercial television stations (both VHF), WAPA–TV Broadcasting Corporation (WAPA–TV) and Telemundo, Inc. (WKAQ–TV), ask that the times be extended to June 21 and July 22, 1974, respectively. Their petitions are supported by two other parties, American Colonial Broadcasting Corp. (licensee of WKBM–TV, Caguas-San Juan) and Suburban Broadcasting Corporation, applicant for a UHF permit at San Juan (application tendered last September). WRIK, the original petitioner herein strongly opposes the request, or any extension at least at this time.

3. The two petitioning San Juan licensees urge that the time allotted in the Notice—40 days from its adoption, and 33 from release of the full text—is simply not enough in view of the novel character and wide-ranging scope of the proceeding, involving some fundamental matters, three basic elements (inquiry, proposed rule making and a proposed policy statement), and a number of specific areas and questions, some of them requiring engineering or economic factual analysis. WAPA–TV, in particular, claims that to insist on the schedule set would constitute denial of due process to WRIK's opponents. WAPA–TV submits affidavits from its engineering and economic consultants, the former stating that at least 60 days and probably more (from March 27) will be necessary for preparation of engineering material on the various issues mentioned (coverage of San Juan, "shadowing" and gains and losses in service), which must get into the substantial terrain problems involved in this rugged area. The economic consultant's affidavit states that 60 days beyond April 22 is necessary for work based on economic data, program rating material, and WRIK's annual financial statements. WAPA–TV and WKAQ–TV both urge that the short time allowed is particularly inappropriate in view of the fact that more time is permitted in much simpler rule-making proceedings, and at least three months is generally permitted in inquiry-rule making proceedings. These parties state that WRIK is doubtless anxious for very fast favorable action, in hopes of cutting its losses; but this is not crucial in view of the ultimate ownership of the station by Transamerica Corp., a wealthy conglomerate which is not really seriously affected; and, in any event, the continuation of the present situation is largely the fault of WRIK, which withdrew its move application in June 1972 and then waited 16 months to file the present "Petition for Declaration of Policies". The two supporting statements by the other two parties are to the same effect but less specific.

4. WRIK vigorously opposes the request, urging that expedition is required because of the urgency of this matter (presumably meaning continuing economic problems for the station), an element assertedly not present in other rule-making proceedings. Under these conditions, parties seeking more time have a heavy burden, which is certainly not met. It is urged that only WAPA–TV, among these parties, attempted to advance specific reasons why more time is necessary; and even those assertions do not afford justification. It is claimed that the two San Juan stations and others have known of the nature of WRIK's request at least since September when the original petition was filed, and, indeed, have probably done a good deal of the required work in preparation for the hearing on WRIK's earlier application (before it was withdrawn). Thus, assertedly, there is no reason why the dates set in the Notice should not be expected to be met. It is claimed that essentially these parties seek further delay in order to maintain their competitive advantage over WRIK–TV for a longer period; and if WRIK–TV can meet the comment dates set, they should be able to also. WRIK states that if these parties proceed diligently and, later, a short additional period such as 10 days is required, it will not oppose such an extension.

DECISION

5. Upon consideration of the foregoing, we are of the view that a considerably greater amount of time should be granted for comments and replies herein, than that originally given, although not as much as requested in the WAPA–TV and WKAQ–TV petitions. In reaching this conclusion, we are aware of the desirability of expedition from WRIK's standpoint, and we intend to reach a decision herein at a reasonably early date. However, in view of the number of matters involved—both some important legal and policy questions, and factual matters such as those mentioned above—it appears that substantially more time is warranted, to permit the parties to deal with these matters reasonable fully and provide maximum assistance to the Commission. It is also true, of course, that to the extent there has been a delay in this matter, WRIK is as responsible for it as anyone, first by withdrawing its application to move and then by waiting some 15 or 16 months to file the petition which prompted this proceeding.

6. Another factor is that it is unlikely that a postponement of the comment date to the end of May or early June will substantially delay the decision in this matter. As is well known, there are now only four members on the Commission, and one of the four is leaving the country in mid-April to attend an international communications conference, and will not return till about June 17. Unless one or additional Commissioners are confirmed and sworn in, there is no possibility of a decision before that time; and it is not certain whether that will occur, or, even if it does, whether the new Commissioners will feel they can appropriately vote on this matter early after joining the Commission. Under these circumstances, we believe it appropriate to set new dates for comments which are likely to produce a decision by about the beginning of July, and we are specifying June 3 for comments and June 24 (3 weeks later) for reply comments. These periods should be enough to permit adequate treatment of the various matters involved, especially since, as WRIK points out, for the most part the matters are not new to the parties at this point. The further extension requested by WAPA–TV and WKAQ–TV, until late June and late July, appears to be too long, running the risk of postponing a decision until this fall.

7. *Accordingly, it is ordered*, That the time for filing comments in this proceeding is extended to and including June 3, 1974; and the time for filing reply comments herein is extended to and including June 24, 1974.

Adopted: April 16, 1974.

Released: May 2, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–10725 Filed 5–8–74;8:45 am]

[47 CFR Part 73]

[Docket No. 19975]

FM BROADCAST STATIONS IN JEFFERSONTOWN, KY.

Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Jeffersontown, Kentucky), Docket No. 19975, RM–2137.

1. On March 15, 1974, the Commission, under delegated authority, adopted a notice of proposed rulemaking in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on March 25, 1974 (39 FR 11111). The dates for filing comments and reply comments were set as April 30, 1974 and May 10, 1974, respectively.

2. On April 30, 1974, counsel for the petitioner in this case, Charles N. Cutler, requested an extension of time

to May 7, 1974, in which to file comments herein. Counsel states that the additional time is necessary to enable him to file adequate comments in response to the Commission's notice of proposed rulemaking.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are extended to and including May 7, 1974 and May 17, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 4, 1974.

Released: May 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-10728 Filed 5-8-74;8:45 am]

[47 CFR Part 73]

[Docket No. 19982]

TV BROADCAST STATIONS IN MOUNTAIN VIEW, ARKANSAS

Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606(b), *Table of assignments,* TV Broadcast Stations. (Mountain View, Arkansas), Docket No. 19982, RM-2297.

1. In response to a petition for rulemaking filed by the Arkansas Educational Television Commission (AETC), the Commission, on March 22, 1974, issued a notice of proposed rulemaking in the above-entitled matter which was published in the FEDERAL REGISTER on April 1, 1974 (39 FR 11931). The dates for comments and reply comments are May 6, 1974, and May 16, 1974, respectively.

2. On April 30, 1974, counsel for Mid-America Television Company filed a request for an extension of the comment date for a period of 30 days, to and including June 6, 1974. Mid-America, licensee of television Station KMOS-TV, Sedalia, Missouri, has underway engineering studies relating to the potential of interference to its operation from the proposed transmitter location of the Mountain View station. However, counsel states that the questions raised by the proposal are complex and the time allowed for filing comments is not sufficient for them to complete these studies and to prepare and file its comments.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are extended to and including June 6, 1974 and June 17, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 2, 1974.

Released: May 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-10730 Filed 5-8-74;8:45 am]

[47 CFR Part 76]

[Docket No. 19995, etc.]

CABLE TELEVISION SYSTEMS

Order Regarding Network Program Exclusivity Protection; Extension of Time for Filing Comments

In the matter of amendment of Subpart F of Part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by Cable Television Systems, Docket No. 19995, RM-2275; amendment of Part 76, Subpart G, of the Commission's rules and regulations relative to Program origination by Cable Television Systems; and inquiry into the development of Cablecasting Services to formulate regulatory policy and rulemaking, Docket No. 19988; amendment of Part 76 of the Commission's rules and regulations relative to the advisability of Federal preemption of Cable Television technical standards or the imposition of a moratorium on Non-Federal standards, Docket No. 20018; amendment of Part 76 of the Commission's rules and regulations relative to an inquiry on the need for additional rules in the area of Public proceedings and qualifications for franchisees—§ 76.31(a)(1), Docket No. 20019; amendment of Part 76 of the Commission's rules and regulations relative to requiring additional assurances on the establishment of line extension provisions in franchises—§ 76.31(a)(1), (2), Docket No. 20020; amendment of Part 76 of the Commission's rules and regulations relative to amending existing franchise duration rules—§ 76.31(a)(3) to lengthen maximum term and impose a minimum term, Docket No. 20021; amendment of Part 76 of the Commission's rules and regulations relative to an inquiry on the advisability of adding specific rules to § 76.31(a)(3) regarding franchise expiration, cancelation and continuation of service, Docket No. 20022; amendment of part 76 of the Commission's rules and regulations relative to an inquiry on the need for new regulations in the area of transfers of control of cable television franchises, Docket No. 20023; amendment of Part 76 of the Commission's rules and regulations relative to a specific requirement in § 76.31(a)(5) that the local official responsible for subscriber complaints be identified in the franchise, Docket No. 20024.[1]

1. In order to facilitate the filing of considered and thoughtful comments in the captioned Cable Television rulemaking proceedings, the comment and reply dates are rescheduled as follows:

Docket No.	Comments due	Reply comments due
19995 (Network exclusivity)	June 17, 1974	July 9, 1974
19998 (Mandatory origination)	May 24, 1974	June 8, 1974
20018 (Technical standards)	Aug. 2, 1974	Aug. 20, 1974
20019 (Franchise selection)	July 26, 1974	Aug. 13, 1974
20020 (Line extension policy)	June 28, 1974	July 16, 1974
20021 (Franchise duration)	July 5, 1974	July 23, 1974
20022 (Franchise expiration, cancellation, etc.)	July 19, 1974	Aug. 6, 1974
20023 (Cable system transfers)	July 12, 1974	July 30, 1974
20024 (Complaint procedures)	June 28, 1974	July 16, 1974

2. The due dates in other current Cable Television rulemaking proceedings in which the original filing schedule is retained are:

Docket No.	Comments Due	Reply Comments Due
18891 (Newspaper cross-ownership).	May 15, 1974	
20028 (Carriage of late-night programming).	May 31, 1974	June 11, 1974
19990 (Addition of Newark to N.Y.C. Market).	May 16, 1974	May 27, 1974

3. This action is taken by the Acting Chief, Cable Television Bureau pursuant to authority delegated in § 0.289 of the Commission's rules and regulations.

Adopted: May 1, 1974.

Released: May 3, 1974.

[SEAL] DAVID D. KINLEY,
Acting Chief, Cable Television Bureau.

[FR Doc.74-10726 Filed 5-8-74;8:45 am]

[1] First published at 39 FR 13561, Monday, April 15, 1974.

FEDERAL HOME LOAN BANK BOARD

[No. 74-390]

[12 CFR Part 545]

FEDERAL SAVINGS AND LOAN SYSTEM

Electronic Funds Transfer Through Remote Service Units

MAY 6, 1974.

The Federal Home Loan Bank Board considers it desirable to propose amendments to Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of expanding the Board's existing "pilot" project funds transfer regulation, § 545.4-2, and extending the effectiveness of said § 545.4-2, as amended, until June 30, 1975. Under this proposal, applications to establish remote service units or to participate in the establishment of such units would be accepted by the Board until December 31, 1974. The proposal would also delete those provisions of § 545.14-5, captioned "Satellite office", which refer to "fully automated satellite office" so that all provisions relating to remotely furnished financial services would be contained in a single regulation.

The Board continues to receive requests by Federal savings and loan asso-

ciations to provide electronic funds transfer services to their customers, including the operation of systems in places of business, even though present § 545.4–2 terminates on July 9, 1974. As amended, § 545.4–2 is of a brief and temporary nature and is designed to permit continued limited experimentation until June 30, 1975, by Federal associations in the operation of electronic funds transfer systems. The Board is of the opinion that reports from, and observations of, the actual operation of one or more systems will continue to furnish valuable experience and information to the Board, the savings and loan industry, and the public relating to the substance of any permanent regulations which the Board may promulgate regarding such systems. The Board is proposing to amend § 545.4–2 for the principal purpose of continuing to permit Federal associations, subject to prior approval by the Board of a plan submitted by such an association, to operate selective "pilot" projects of this kind on a limited basis for the purposes stated above, and for a limited period of time. Existing place-of-business funds transfer systems authorized under present § 545.4–2 would not be affected by the amendment of that section. However, the continued operation of existing place-of-business funds transfer systems after July 9, 1974, would require approval by the Board.

Section 545.4–2(a), *General provisions*, would permit a Federal association to establish, maintain or use one or more "remote service units" located in the State in which such association's home office is located or within the primary service area of any branch office of such association located outside of such State.

Section 545.4–2(b), *Financial services authorized for remote service units*, would establish a list of permitted financial services which could be performed at a remote service unit. Deposits, loan payments and withdrawals would be permitted at such units, but no account could be opened at such a unit nor could withdrawals in excess of an account holder's balance be made. The provision would empower the Board to permit other services to be offered at remote service units upon application on a case-by-case basis.

The first sentence of § 545.4–2(c), *Advertising*, is intended to prohibit misleading or inaccurate advertising. The second sentence would empower the Board to revise or terminate advertisements.

Section 545.4–2(d), *Bonding requirements*, would require Federal associations establishing remote service units to take all steps necessary to protect their interest in the financial services processed at each such unit, including the acquisition of fidelity, forgery and other insurance, and is intended to cover such questions as the physical security of cash dispensing machines and the prevention of fraudulent use of remote service units.

Section 545.4–2(e), *Participation with other financial institutions*, permits a Federal association to share the use of a remote service unit with one or more financial institutions insured by either the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation or with any other financial institutions as the Board may approve. However, § 545.4–2(e) would provide that the Board may require a Federal association to share the use of a remote service unit (at a reasonable cost) with the home office or any branch office of a financial institution insured by the Federal Savings and Loan Insurance Corporation if such unit is located in the primary service area of such office. It is intended that this provision together with paragraph (f) would require each Federal association which desires to share a remote service unit to make application to the Board and require application to the Board for any subsequent sharing of such remote service unit with other financial institutions. The last sentence of paragraph § 545.4–2(e) would prohibit exclusive dealing agreements between a Federal association and business organizations at which remote service units may be located.

Section 545.4–2(f), *Applications*, would require that before establishment, maintenance or use of a remote service unit or participation in the establishment, maintenance or use of such a unit a Federal association must receive written approval by the Board. Applications would be required to demonstrate that safeguards acceptable to the Board to insure the privacy and confidentiality of account information will be established and maintained. Paragraph (f) would prohibit any material alteration of an approved remote service unit without prior approval by the Board. In order that the Board may monitor the pilot pojects established pursuant to this regulation, this provision would require Federal associations to provide the Board with such reports as it may require relating to the operations of remote service units. Section 545.4–2(f) would also provide for the termination or alteration of a Federal association's participation in the establishment, maintenance or use of a remote service unit.

Section 545.4–2(g), *Consideration of competitive implications*, would provide that the Board will consider the competitive implications of applications under § 545.4–2 and may request the views of the Antitrust Division of the Department of Justice or request that an application receive clearance from that Division by means of a business review letter.

Section 545.4–2(h), *Definitions*, would define, inter alia, a "remote service unit" to mean an information processing device and associated equipment by means of which financial services are rendered to the public and which, for activation and account access, is dependent upon the use of a machine-readable instrument (i.e. not a passbook) in the possession and control of the account holder. The term "remote service unit" would include both "on-line" computer terminals and "off-line" cash dispensing machines but would not include terminal or teller machines using passbooks or other systems in which the terminal does not machine-read and verify account numbers.

The Board continues to be of the opinion that the operation by financial institutions of various electronic funds transfer systems is a matter of major importance which involves making decisions in which the public should be given a full opportunity to participate.

Accordingly, the Board hereby proposes to amend Part 545 as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552 by May 24, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.4–2 Remote service units (temporary provision).

(a) *General provisions.* Notwithstanding any other provision of this part other than this section, a Federal association may establish, maintain or use one or more remote service units located (1) within the State in which the home office of such association is located; or (2) within the primary service area of any branch office of such association located outside of such State. A remote service unit may be, but is not required to be, located in a place of business other than a place of business solely of a Federal association such as a retail sales establishment, shopping center, office building, factory, or transportation terminal.

(b) *Financial services authorized for remote service units.* A Federal association may, to the extent authorized by a resolution of its board of directors, render one or more of the following financial services to the public through or by means of a remote service unit;

(1) The placing or transferring of funds to the credit of savings accounts or deposits of such association, but no savings accounts or deposits may be opened at such a unit;

(2) Withdrawals of savings accounts or deposits in such association, which withdrawals may be total or partial and may be effected through the use of nontransferable orders or authorizations but not through the use of negotiable or transferable orders or authorizations to the association: *Provided*, That in no case may the association permit or authorize withdrawals in excess of a holders balance in such an account or deposit;

(3) Receiving payments related to loans invested in or being serviced by such association; and

(4) Such other financial services as the Board may approve upon application therefor.

(c) *Advertising.* No advertisement, announcement or solicitation by a Federal association relating to a remote service unit may be inaccurate or misleading with respect to the services which may be effected at such a unit. Any advertisement, announcement or solicitation by a Federal association relating to a remote service unit is subject to revision or termination by the Board.

(d) *Bonding requirements.* A Federal association shall take all steps necessary to protect its interest in the financial services processed at each remote service unit, including acquisition of fidelity, forgery and other appropriate insurance.

(e) *Participation with other financial institutions.* Except as provided in this paragraph, a Federal association may, but is not required to, participate in the establishment, maintenance or use of one or more remote service units with one or more financial institutions insured by the Federal Savings and Loan Insurance Corporation or by the Federal Deposit Insurance Corporation, or with such other financial institutions as the Board may approve. The Board may require a Federal association to permit such participation at a reasonable cost by other institutions insured by the Federal Savings and Loan Insurance Corporation with respect to their home offices or branch offices in whose primary service area a remote service unit is located. A Federal association may not enter into an agreement of any kind for the exclusive right to use a remote service unit at any location of a business organization of any kind, or under which other financial institutions would be excluded from using a remote service unit at any location of such business organization where such Federal association does not use a remote service unit.

(f) *Applications.* (1) A Federal association may not establish, maintain, or use a remote service unit, or participate in the establishment, maintenance, or use of a remote service unit, without prior written approval by the Board. Applications for Board approval to establish a remote service unit shall be filed on or before December 31, 1974. One original and one copy of any application pursuant to this section shall be filed with the Director, Office of Industry Development, Federal Home Loan Bank Board, Washington, D.C. 20552, and two copies of any such application shall be sent to the Supervisory Agent. An applicant may file additional information in support of its application and may amend the application. The Director or the Supervisory Agent may request an applicant to furnish additional information.

(2) Applications shall demonstrate that the applicant will establish and maintain safeguards acceptable to the Board to insure the privacy and confidentiality of account information.

(3) Except as may be otherwise provided in a resolution by the Board in a particular case, the participation in or the establishment, maintenance or use of a remote service unit pursuant to this section shall not be altered in any material respect from that approved by the Board under this section unless in compliance with the procedures of this section an application to do so is filed and approved by the Board prior to making such alteration.

(4) A Federal association which participates in or establishes, maintains or uses a remote service unit pursuant to this section shall submit to the Board, at such association's expense, such reports as the Board may require relating to the operation of such unit. The Board may require such Federal association to modify or terminate, in whole or in part, such participation, establishment, maintenance or use. Any contract, agreement or understanding, whether written or oral, between or among a Federal association and any other financial institution or other business organization relating to the participation, establishment, maintenance or use of a remote service unit by such Federal association shall be subject to any rules and regulations which the Board may hereafter prescribe or any resolution which the Board may adopt, including without limitation, a requirement that any such contract, agreement or understanding be terminated.

(g) *Consideration of competitive implications.* The Board will consider competitive implications of applications made under this section and may, in an appropriate case either (1) request the views of the Antitrust Division of the Department of Justice; or (2) specifically request that a Federal association making an application under this section request a business review letter from the Antitrust Division of the Department of Justice pursuant to the provisions of 28 CFR 50.6, as amended.

(h) *Definitions.* As used in this section—

(1) The term "remote service unit" means an information processing device, including associated equipment, structures and systems, through or by means of which information relating to financial services rendered to the public is stored and transmitted, whether instantaneously or otherwise, to a financial institution and which, for activation and account access, is dependent upon the use of a machine-readable instrument in the possession and control of the holder of an account or deposit. The term "remote service unit" includes both "on-line" computer terminals and "off-line" cash dispensing machines, but does not include terminals or teller machines using passbooks or other systems in which the terminal does not machine-read and verify account numbers.

(2) The term "State" means the States of the Union, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(3) The term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the home office of the Federal association is located or any other officer or employee of such Bank designated by the Board as agent as provided by §§ 501.10 and 501.11 of this chapter.

(i) *Termination.* This section and approval granted under this section shall automatically terminate at the close of June 30, 1975.

§ 545.14–5 Satellite office.

(a) *Nature of a satellite office.* An office of a Federal association which is not its home office or a branch office approved pursuant to § 545.14 shall be deemed to be a satellite office if it meets the requirements of a satellite office as described in this section and if it is a satellite of the association's home office or a branch office in that it is located in the primary service area, as determined by the Board or Supervisory Agent, of such home office or branch office. Any business of a Federal association, as authorized by the association's board of directors, may be transacted at a satellite office.

* * * * *

(d) *Specific provisions.* Each application for permission to establish a satellite office will be considered or processed pursuant to the provisions of this section. Approval of such an application pursuant to this section will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

(1) A satellite office may be, but is not required to be, located within premises principally occupied by a retail sales establishment or any other business organization. A satellite office shall be operated in conformity with the following physical requirements:

(i) The satellite office shall not occupy more than 500 square feet of floor space; and

(ii) Provision shall not be made for more than 4 teller stations.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–10877 Filed 5–8–74;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 74–11]

RULES OF PRACTICE AND PROCEDURE

Enlargement of Time To File Comments

MAY 3, 1974.

Upon request of interested persons and good cause appearing, time within which comments may be filed in response to the notice of proposed rulemaking in this proceeding (39 FR 11117, Monday,

March 25, 1974) is enlarged to and including May 24, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-10706 Filed 5-8-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. RM74-23]

INFORMATION ON GAS SUPPLY AND DELIVERABILITY IN APPLICATIONS FOR CERTIFICATES UNDER THE NATURAL GAS ACT

Notice of Proposed Rulemaking

MAY 2, 1974.

Take notice that pursuant to section 553 of Title 5 of the U.S. Code and sections 7 and 16 of the Natural Gas Act (52 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f (c); 56 Stat. 84, 15 U.S.C. 717f(d); 56 Stat. 84, 15 U.S.C. 717f(e); and 52 Stat. 830, 15 U.S.C. 717o) the Commission proposes to amend § 157.14 of Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations, by revising paragraph (a)(10) thereof, 18 CFR 157.14(a)(10), to require to be included as Exhibit H to applications for certificates of public convenience and necessity filed pursuant to section 7 of the Natural Gas Act certain information with respect to gas supply and deliverability which presently may be incorporated by reference when applicants have filed annual reports required by § 260.7 of Statements and Reports (Schedules), 18 CFR 260.7. It is proposed to require gas supply and deliverability to be set forth and not incorporated, as now allowed, by reference to FPC Form No. 15, the annual report prescribed by § 260.7. An Exhibit H would be required in all applications for authorization to increase existing sales, facilities or capacity; to construct new facilities to make new sales; to alter any type of gas service; and to attach new sources of supply except budget-type applications filed under paragraph (b) of § 157.7 of the regulations under the Natural Gas Act, 18 CFR 157.7(b).

Paragraph (a)(10) presently provides that companies filing Form No. 15 may incorporate by reference in their certificate applications the gas supply and deliverability information in said reports, except with respect to applications for authorization to serve major new markets or to serve major existing markets from new sources of gas supply over new routes. This procedure does not give the Commission access to the latest available gas reserve data since the most recent Form No. 15 may contain data up to 15 months out of date and in cases of new reserve attachments does not make available any reserve data. Since timely data are necessary in processing applications, Commission personnel are required to seek out such data by protracted correspondence and/or field trips which result in delays in the administrative process. In addition, failure to include gas supply and deliverability data in applications often denies the public access to non-confidential information.

Because of deepening energy supply problems, there is a clear obligation placed on the Commission to review more critically the gas supply aspects of pipeline certificate applications. There is a pressing need for more comprehensive and timely gas reserve and deliverability data that is not filed in applications lacking an Exhibit H. The additional burden placed on the filing company is fully justified by improved service to the public interest.

The Commission proposes to require that gas supply and deliverability information be set forth in all applications made under section 7 of the Natural Gas Act in which the authorization sought may be dependent upon the applicants' gas supply or where the service to be provided may have an effect on the applicants' ability to serve present customers. The data would not be required in budget-type applications under paragraph (b) of § 157.7 of the regulations under the Natural Gas Act or for facilities realignment or replacement. In all other applications the information would have to be set forth to the extent that it is relevant to the particular facility, sale or other authorization which is sought.

The Commission is cognizant of the potential reluctance of some applicant companies to include in their applications supply and deliverability data which they or their producer suppliers may regard as confidential. Therefore, the proposed amended rule requires the filing of summary supply and deliverability information as Exhibit H and permits the furnishing of the complete data to the Commission separately in a confidential status. Applicants should realize, of course, that the Commission cannot be guarantor of the confidential status of supply and deliverability data [1] and that it may not be possible for the Commission to grant authorizations based upon data not available for evaluation by all parties to proceedings in an evidentiary record and which cannot be examined and probed through witnesses. In such cases it might be necessary for applicants and their producer suppliers to release data from a confidential status as a condition to consideration of applications and issuance of certificates. Concurrently herewith the Commission is amending its General Policy and Interpretations by adding § 2.72 thereto which provides that all relevant information acquired by the Commission staff, including workpapers, pursuant to any staff investigation conducted under sections 8, 10, or 14 of the Natural Gas Act shall, without further order of the Commission, be free from the restraints of section 8(b) of the Natural Gas Act regarding the divulgence of information, with respect to any matter set for formal hearing.

The Commission proposes to amend § 157.14 of Part 157, in paragraph (a)(10) by revising (vi) thereof to read as follows:

§ 157.14 Exhibits.

(a) * * *

(10) * * *

(vi) Pipeline companies which have filed annual reports in conformity with § 260.7 of this chapter will be required to file additional information with regard to gas supply and deliverability in support of applications for certificates for authorization to increase existing sales, facilities or capacity; to construct new facilities to make new sales; to alter any type of gas service; and to attach new sources of supply except budget-type applications filed under paragraph (b) of § 157.7. In all other applications the pipeline company may rely on the information set forth in said annual report, by reference thereto, unless otherwise ordered by the Commission. When gas supply and deliverability information is required to be in the application and is not permitted to be incorporated by reference, such information need pertain only to the supply and deliverability for that phase of the company operations which would be affected by the facility or sale for which authorization which is sought, except that total system supply and deliverability information shall be included in all applications for authorization to serve major new markets or to serve major existing markets from new sources of gas supply over new routes. In those instances in which the information contained in the annual report required by § 260.7 of this chapter is not permitted to be incorporated by reference and in which the applicant or his producer supplier regards the required information as confidential, there shall be included in the application as Exhibit H a statement showing total reserves for the proposed project segregated into proven and probable reserves, a description of the leases and/or offshore blocks from which the reserves may be available without relating specific reserves to specific properties, and as much of the information required by subdivisions (i) through (v) of this subparagraph and subdivision (vii) of this subparagraph which the applicant or his supplier do not regard as confidential. Any reserves claimed as possible potential must be accompanied by a description of the leases and/or offshore blocks for which these reserves are claimed and copies of the gas purchase contracts or option agreements under which the applicant has a claim to any reserves discovered. If information is excluded from the application as confidential, there shall be included in the application a statement that such information has been excluded and the reasons therefor, and all of such information shall be

[1] See Reliability of Electric and Gas Service, Docket No. R-405, Order of Modification to Authorize Compliance with Congressional Subpoena Duces Tecum, issued June 22, 1973, 38 FR 17275 (June 29 1973) and Order Updating Nationwide Investigation, issued August 1, 1973, 33 FR 21182 (August 6, 1973), amended August 16, 1973, 38 FR 22823 (August 25, 1973).

furnished to the Commission to be held and examined in a confidential status. The Commission reserves the right to require the release of information from a confidential status as a condition for consideration of an application or issuance of a certificate. The receipt, maintenance, and consideration of information in a confidential status is subject to the requirements of paragraph (f) of § 1.36 and § 2.72 of this chapter and the laws of the United States.

* * * * * *

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than June 17, 1974, data, views, comments, or suggestions, in writing, concerning all or part of the amendment proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C., during regular business hours. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff, in its discretion, may grant or deny requests for a conference. The Commission will consider all written submittals before acting on the proposed amendment.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10639 Filed 5-8-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF JUSTICE

RESIDENTS, PEARL RIVER COUNTY, MISS.

Certification of the Attorney General Regarding Voting Rights

In accordance with section 6 of the Voting Rights Act of 1965, (Pub. L. 89–110) I hereby certify that I have received complaints in writing from twenty or more residents of Pearl River County, Mississippi, alleging that they have been denied the right to vote under color of law on account of race or color and I believe such complaints are meritorious. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 FR 9897).

WILLIAM B. SAXBE,
Attorney General of the United States.

APRIL 29, 1974.

[FR Doc.74–10659 Filed 5–8–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[OCS Order No. 11]

OIL AND GAS PRODUCTION RATES PREVENTION OF WASTE, AND PROTECTION OF CORRELATIVE RIGHTS

Notice of Lessees and Operators of Federal Oil and Gas Leases in the Outer Continental Shelf, Gulf of Mexico Area; Correction

The following sentence was inadvertently omitted from OCS Order No. 11 which appeared in the FEDERAL REGISTER on May 6, 1974 (39 FR 15885).

Subparagraph 10.A.(1) *Gas Vapors.* should read "When gas vapors are released from storage and other low pressure production vessels if such gas vapors cannot be economically recovered or retained."

HENRY W. COULTER,
Acting Director.

[FR Doc.74–10660 Filed 5–8–74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74–95]

BETHLEHEM MINES CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 4861(c) (1970), Bethlehem Mines Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Mine No. 41 located at Bethlehem, Pennsylvania.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

Petitioner proposes that the requirements of 30 CFR 75.1405 be suspended in respect to Mine No. 41 for the duration of its limited operations, for the following reasons:

(a) Automatic couplers provide no greater protection to employees than do the standard link-and-pin couplers presently in use at Mine No. 41. During an 11-year period, the safety experience of Mine No. 41 with automatic couplers in use was better than the safety experience at Mine No. 44, where automatic couplers were in use.

(b) Although automatic couplers are more sophisticated mechanically than the link-and-pin couplers, this degree of sophistication is a liability in terms of increased maintenance requirements due to the fact that they are more easily damaged. In addition, damaged equipment, until it can be repaired and even though it is repaired quickly, poses an obvious threat to safety.

(c) The physical characteristics of the mine make it impossible for automatic couplers to be installed since cars equipped with automatic coupling devices could not be raised and lowered within the confines of the shafts in which the haulage cages are located.

(d) Even if the size of the existing shafts did not make it impossible to raise and lower cars equipped with automatic couplers, the cars could not be equipped with such devices by the time currently projected for cessation of operations of the mine, to wit, the middle of 1975.

Petitioner proposes an alternative method for achieving the result contemplated by 30 CFR 75.1405 which will at all times guarantee no less than the same protection afforded by such standard. Petitioner proposes to:

(a) Issue coupling hooks to members of the transportation crew. These coupling hooks will allow the couplings to be made without endangering the safety of the employee performing the coupling operation.

(b) Instruct all transportation crew employees in the proper use of the coupling hooks, and review such instructions periodically.

(c) Petitioner has been advised that the link-and-pin-coupling apparatus on certain types of mine cars can be modified so that the employee performing the coupling can move a lever located at the side of the car, which in turn will raise and lower the coupling pin. Investigations are currently being conducted to determine if the coupling devices on the mine cars at Mine No. 41 can be modified in a similar manner.

(d) Maintain supervisory observation of the transportation crews while the crews work; continue to make job safety analysis studies; continue to assure that haulage practices comply with company policy, as well as with federal and state requirements; continue to discuss with individual employees job safety analysis studies as well as federal and state regulations; and continue safety discussion classes on a weekly or more frequent basis.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 10, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

APRIL 30, 1974.

[FR Doc.74–10656 Filed 5–8–74;8:45 am]

[Docket No. M 74–96]

BETHLEHEM MINES CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Bethlehem Mines Corporation has filed a petition to modify the application of 30 CFR 75.303 to its Ellsworth Division's Mines Nos. 51, 58, and 60 located at Bethlehem, Pennsylvania.

30 CFR 75.303 provides as follows:

Within 3 hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of

the mine designated by the Secretary or his authorized representative. Each such examiner shall examine every working section in such workings and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane, and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in such working section; examine active roadways, travelways, and belt conveyors on which men are carried, approaches to abandoned areas, and accessible falls in such section for hazards; test by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume and velocity; and examine for such other hazards and violations of the mandatory health or safety standards, as an authorized representative of the Secretary may from time to time require.

Petitioner proposes an alternative method for achieving the purpose intended by the provisions of section 303 (d) (1) of the Act. The alternative method proposed by Petitioner will at all times guarantee no less than the same measure of protection afforded the miners by such standard. In fact, the application of section 303(d) (1) itself involves a diminution of safety to the miners. The diminution of safety introduced by application of the subject standard would be virtually eliminated, or reduced to a minimum, by applying the proposed alternative method.

Petitioner proposes that the application of the subject standard be modified with respect to pre-shift examination of main haulage roads as follows:

(a) Apply eight hours instead of three hours as the time frame for pre-shift examinations of main haulage roads, outby the working section.

(b) After idle periods, and before one designated shift each day of operation, the examination of such main haulage roads outby the working sections shall continue to include tests for methane of all high places where methane is likely to accumulate in the event of interruption to ventilation as defined in section 303(t) (3) of the Act. The other examinations of such main haulage roads, ventilation not having been interrupted since the last prior examination, shall be carried out as a moving examination.

Application of the subject standard will result in a diminution of safety, for the following reasons:

(a) The mines will be forced to utilize a great number of certified persons who are in great demand but in short supply. There is not sufficient personnel available, therefore, to perform such preshift examinations of main haulage roads in addition to the other essential duties of such persons. To the extent that certified persons are required to make such examinations for oncoming shifts in Petitioner's three-shift mines, they will be taken away from other duties that are more important insofar as safety of the miners is concerned. In view of the fact that coal is produced on three consecutive operating shifts on a five or six day basis each week, the possibility of undetected hazards is truly minimal.

(b) Such pre-shift examinations of main haulage roads within a three-hour period will add needless traffic and congestion in these haulage roads at the busiest times of production shifts, will greatly add to the exposure of certified persons, and will also greatly add to the mental strain of motormen who should not be distracted except for essential interruptions.

(c) Such multiplicity of main haulage road examinations when confined to the three-hour period as found in section 303(d) (1) will tend to discourage the future use of one way traffic in separate main haulage roads. The system of one way traffic is being seriously considered for improvement in safety and more orderly operations. A diminution of safety is brought about when the operator is discouraged from installing separate main haulageway systems.

(d) A more thorough examination can be accomplished when more time is available for that purpose, consequently the chances of eliminating possible hazards are increased.

The mines will be examined in the same manner, covering essentially the same route, from examination to examination. The time interval between the points examined throughout the main-track haulage roads, therefore, will be approximately eight hours. Clearly, the method proposed by the Petitioner meets all objectives of the Act, and constitutes a more thorough examination, conducted in a safer manner, than do the provisions of section 303(d) (1).

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 10, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

APRIL 30, 1974.

[FR Doc.74-10658 Filed 5-8-74;8:45 am]

[Docket No. M 74-110]

CLEAR CREEK COAL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Clear Creek Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1405 to its Clear Creek No. 2 Mine located at Monterey, Tennessee.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states the following:

For the past four (4) years solid bottom cars with a rotary dump installed on the surface have been utilized in the subject mine. There have been no accidents, in which employees were injured, arising out of this phase of the company's operation since the mine was opened. The safety record of the mine has consistently lowered it's workmen's compensation rate so that it is currently entitled to the lowest compensation rate which is afforded any coal mining operation in the State of Tennessee.

Detailed haulage procedure, hoisting procedure and safety features employed in the alternate proposal are as follows:

HAULAGE PROCEDURE

Six loaded mine cars are hauled from the loading point to the sidetrack at the foot of the slope by means of a six-ton electric locomotive. A second locomotive follows this loaded trip. The loaded cars are parked on the sidetrack, and the motorman uncouples the locomotive from the trip. The motor man on the No. 2 locomotive switches onto the empty sidetrack and couples to the empty cars. The No. 2 locomotive pulls the empty trip to the switching point near the working section, parks the trip of cars, uncouples from them, and switches out of the way. The motorman on the No. 1 locomotive couples the locomotive to the parked trip of cars, and pushes them to the loading point.

HOISTING PROCEDURE

After the sidetrack is cleared, the rope-hooker uncouples the first loaded car, and connects the safety-dog to the rear of the car. Retreating to the shelter-hole, he signals the hoistman to lower the empty car from the surface to the empty sidetrack. The rope is removed from the empty car and is connected to the loaded car. The loaded car is hoisted to the surface and into the rotary dump. The coal is dumped into the storage bin. The empty car is lowered to the sidetrack. This procedure is continued until the last car has been dumped. This car remains on the surface until another loaded trip has been parked on the sidetrack and the locomotives have cleared the area at the bottom of the slope.

SAFETY FEATURES

1. All mine cars are coupled and uncoupled by the rope-hookers (2) when cars are parked on a straight and level sidetrack with no locomotive coupled to either end of the trip of cars.

2. Operators of the locomotives couple and uncouple from the trip of cars when cars and locomotives are parked on a straight and level, track. The operator, while seated in his control deck of the locomotive, uncouples the locomotive from the loaded trip at the sidetrack and couples to the empty trip at the switching point.

The alternate method will at all times guarantee a standard of protection not less than would be afforded by the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 10, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

APRIL 30, 1974.

[FR Doc.74-10655 Filed 5-8-74;8:45 am]

[Docket No. M 74-105]

H & L COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), H & L Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Mine located at Laurel Branch, Buchanan County, Virginia.

30 CFR 77.1605(k) provides as follows:

Berms or guards shall be provided on the outer bank of elevated roadways.

The alternate method which Petitioner proposes to establish in lieu of the mandatory standard is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

5. All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:
(a) Original manufacturers brakes.
(b) Engine or Jacobs brakes.
(c) Emergency (parking) braking system.

7. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

8. A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

10. Where abrupt drop-offs are present along the outer banks, super-elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

11. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

Petitioner further states that the alternate method outlined above, will, at all times, gurantee no less than the same measure of protection afforded the miners at the Petitioner's mine by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 10, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

APRIL 30, 1974.

[FR Doc.74-10657 Filed 5-8-74;8:45 am]

Bureau of Indian Affairs

TURTLE MOUNTAIN RESERVATION, NORTH DAKOTA

Ordinance Legalizing the Introduction, Sale, or Possesion of Intoxicants

MAY 3, 1974.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Turtle Mountain Reservation, North Dakota was adopted on February 6, 1974 by the Turtle Mountain Tribal Council, which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

ORDINANCE 19

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

Pursuant to the authority vested in the Tribal Council of the Turtle Mountain Band of Chippewa Indians, by its Constitution, particularly Article IX, under (a) of section 3.

Be it enacted by the Tribal Council of the Turtle Mountain Band of Chippewa Indians that Titles 18 and 19, "Business Regulations and Licenses," and "Alcohol Beverage Controls," pages 203 through 219, be adopted and added to the Turtle Mountain Tribal Code of 1968.

TITLE 19—ALCOHOL BEVERAGE CONTROLS
CHAPTER 1901—GENERAL PROVISIONS

19.0101 *Definitions.* For the purpose of this chapter:

1. "Alcoholic beverages" shall mean any liquid suitable for drinking by human beings, which contains one-half of one percent or more of alcohol by volume.

2. "Beer" shall mean any malt beverage containing more than one-half of one percent of alcohol by volume.

3. "Liquor" shall mean any alcoholic beverage except beer.

4. "Person" shall mean and include any individual, firm, corporation, association, club, co-partnership, society, or any other organization; and should include the singular and the plural.

5. "Sale" and "sell" shall mean all manner or means of furnishing alcoholic beverages, including the selling, exchange, barter, disposition of, and keeping for sale of such alcoholic beverages.

6. "Package" and "original package" shall mean and include any container or receptacle containing an alcoholic beverage, which container or receptacle is corked or sealed by the manufacturer thereof and which cork or seal has not been removed or broken prior to the sale of such package to the purchaser.

7. "Club" or "lodge" shall include any corporation or association organized for civic, fraternal, social or business purposes, or the promotion of sports, which has at least 200 members at the time of application for license.

8. "Retail sale" shall mean the sale of alcoholic beverages for use or consumption and not for resale.

9. "Off-sale" shall mean the sale of alcoholic beverages in original packages for consumption off or away from the premises where sold, and an off-sale license shall authorize the person named therein to conduct such off-sales only at the place designated in such license and not elsewhere, and shall not permit the opening of the package sold on the premises where sold. Such sale must in each case be completed by delivery of the liquor sold to the actual purchaser thereof on the licensed premises.

10. "On-sale" shall mean the sale of alcoholic beverages for consumption only on the premises where sold, and an on-sale license shall authorize the licensee to conduct such on-sales only at the place designated in such license and not elsewhere.

19.0102 *Exceptions.* 1. This chapter shall not apply to wines delivered to priests, rabbis, and ministers for sacramental use.

2. This Chapter shall not be construed to apply to the following articles, when they are unfit for beverage purposes:

a. Denatured alcohol produced and used pursuant to Acts of Congress and the regulations thereunder;

b. Patent, proprietary, medical, pharmaceutical, antiseptic and toilet preparations;

c. Flavoring extracts, syrups, and food products;

d. Scientific, chemical, and industrial products; nor to the manufacture or sale of said articles containing alcohol.

19.0103 *Licensing required.* No person shall sell at retail within the limits of the Reservation any alcoholic beverage without first having obtained a license therefor as herein provided.

19.0104 *License—term of.* 1. All licenses issued hereunder shall be for a period of not

more than one year and shall expire on the 30th day of June in each year. Where a license is granted for a period less then a year any subsequent renewal thereof must be made for the full annual term.

2. If an application is made for license hereunder during the license year for the unexpired portion of such year, the fees therefore shall be as follows:

a. If the short term be for three months or less, the license fee therefore shall be 25 percent of the annual license fee.

b. If the term be for more than three months and less than six months, the license fee therefore shall be 50 percent of the annual license fee.

c. If the term be for more than six months but less than nine months, the license fee therefore shall be 75 percent of the annual license fee.

d. For any term in excess of nine months, the full annual license fee shall be paid.

19.0105 *License—classes of.* 1. On and off sale liquor licenses at an annual fee of $600.00 dollars.

2. Off sale liquor license at an annual fee of $300.00 dollars.

3. On and off sale beer license at an annual fee of $600.00 dollars.

4. Off sale beer license at an annual fee of $300.00 dollars.

19.0106 *License—lodges or clubs.* The combined fee for all four classes of licenses shall be in the sum of $1200.00 dollars per year for a lodge or club with a membership up to 500, and shall be in the sum of $1200.00 dollars for a lodge or club with a membership over 1,500.

19.0107 *License—qualifications for.* No retail license shall be issued to any person unless the applicant shall file a sworn application, accompanied by the required fee, showing the following qualifications:

1. Applicant, if an individual, must be a citizen of the United States, and be person of good moral character.

2. If applicant is a corporation, the manager of the licensed premises and the officers, directors and stockholders must be citizens of the United States and persons of good moral character. Corporate applicants must first be properly registered with the Secretary of the Tribal Council.

3. If applicant is a co-partnership, all the members must be citizens of the United States and residents of North Dakota for a period of more than one year prior to the date of application, and be persons of good moral character.

4. Applicant or manager must not have been convicted of a felony.

5. Building in which business is to be conducted must meet Tribal and state requirements regarding the sanitation and safety.

6. If applicant's place of business is to be conducted by a manager or agent, said manager or agent must possess the same qualifications required of the licensee.

19.0108 *License—application for.* Any person desiring a license to sell alcoholic beverages at retail as hereinbefore described shall make and present a written verified application to the Tribal Council of this Reservation, filed with the Tribal Secretary, containing the following information:

1. The name and address of the applicant; if the applicant is a co-partnership, the name and address and place of residence of each member of said co-partnership; if the applicant is a corporation, the name and address of the officers of the corporation and the manager of the licensed premises.

2. Whether the applicant is a citizen of the United States, and if a naturalized citizen, the date and place of naturalization and place of residence of the applicant for a period of one year last preceding the date of application; if the applicant is a co-partnership the same preceding information for each member of said co-partnership; and if the applicant is a corporation, the date incorporated, the state where incorporated, the purpose for which said corporation was incorporated, and if such corporation was incorporated, and if such corporation is a subsidiary of any corporation, the name of the parent corporation.

3. The legal description and the address of the premises for which license is sought.

4. The date on which the applicant acquired title to the premises sought to be licensed, and if the applicant does not have title to said premises, the name and address of the owner of the premises together with a copy of the applicant's lease, if written, under which he holds possession of said premises.

5. Whether the applicant has ever engaged in the sale or distribution of alcoholic beverages prior to this application, and if so, the date and type of business and place where so engaged whether within or without the State of North Dakota, the date the applicant first began to operate.

6. Whether the applicant has ever had a license revoked or cancelled by any Tribal, municipal, state or federal authority, and if so, the date of such cancellation, the place and authority cancelling same, and the reason for such cancellation.

7. Whether the applicant has ever been convicted of the violation of any law of any Indian Tribe, the United States or of any state, or of the violation of any local ordinance, with regard to the manufacture, sale, distribution or possession of alcoholic beverages, and if so, the dates, names of places, and courts, in which said convictions were had.

8. Whether the applicant has ever had a license for the sale of alcoholic beverages revoked for any violation of state or Tribal laws or local laws or local ordinances, and if so, the names of the bodies revoking such license, the dates of such revocation, and the reasons assigned therefore.

9. Whether the applicant has ever been convicted of any other crime than stated in subsections (7) and (8) hereof, in this state or any other state, or under any federal law, and if so, the date of such conviction, the name of the crime for which convicted, the amount and terms of sentence passed, and the court in which convicted.

10. The name and address and the place of residence for a period of one year prior to the date of application of any person who will have charge, management, or control of the establishment for which license is sought.

11. Whether any other person than the applicant has any right, title, estate or interest in the leasehold or in the furniture, fixtures, or equipment in the premises for which license is sought, and if so, the names and address of such person, together with a statement of the interest so held.

12. Whether the applicant has any interest whatsoever, directly or indirectly, in any other establishment dispensing alcoholic beverages, either at wholesale or retail, within or without the State of North Dakota, and if so, the names and addresses of such establishments. The provision is meant to include the holders of capital stock in any corporation dealing in alcoholic beverages, either at wholesale or retail, and within the borders of the United States.

13. The occupation which the applicant has followed during the past five years.

14. The names and addresses of at least three business references.

15. Whether the applicant is rated by any commercial agency, and if so, the name and address of said agency.

16. Whether the applicant is engaged in any other business or intends to be engaged in any other business than the sale of alcoholic beverages under the license for which application is made, and if so, the type of business, and if any employee, the name and address of the employer.

17. The classification of license applied for.

18. If the applicant is a lodge or a club, the date of organization, the number of members, the purpose for which organized, and the purpose for which profits to be derived from the sale of alcoholic beverages are to be applied; and whenever required by the Tribal Council a list of the members belonging to such lodge or club.

19. A statement by the applicant that he consents to entry and inspection of the premises for which license is sought or any part thereof at any time by any peace officer of this Tribe.

19.0109 *License—applicant fitness.* The Captain of Police or such other person or officer as may be designated by the Tribal Council shall, upon the filing of an application, investigate the facts as stated in the application and the character, reputation and fitness of the applicant, and shall report on said matters to the Tribal Council.

19.0110 *License—limit to one applicant.* Not more than one license of each classification shall be issued or granted to any applicant, and each license shall be valid only for the specific premises licensed.

19.0111 *License—limit of number.* The maximum number of each classification of license which may be issued shall be limited to one per each 1500 population according to the last official census.

19.0112 *License—location of.* No license shall be issued to or transferred to any person, firm, or corporation to engage in the sale of beer or alcoholic beverages within the Reservation without approval as to the location of said licensed business by the Tribal Council. The application for approval shall be in writing filed with the Council. Public hearing shall then be had of said application, upon notice published in the official minutes of the Tribal Council two (2) times, the first publication to be at least 15 days before the hearing date set for hearing said application. At the time of hearing the Tribal Council shall in its discretion determine if said location is in harmony with the public interest and welfare of the community, and shall consider among other things the following factors:

1. The convenience of police regulation.
2. Public health and sanitation.
3. Proximity of other licensed businesses.
4. Proximity of schools, churches, funeral homes, public buildings, or buildings used by or for minors.
5. Any protests of neighboring property owners or occupants.
6. Zoning regulations.
7. Proposed on or off sale or both of licensee.
8. Interference with or proximity to residential property.
9. Interference with neighboring property.
10. Suitability of premises for sale of beer, liquor or alcoholic beverages.
11. Public convenience and necessity.

19.0113 *License—posting of.* License issued hereunder shall be posted in a conspicuous place in the premises for which the license has been issued.

19.0114 *License—transfer of.* No license under the provision of this chapter shall be transferable and any attempt to do so shall constitute a violation of the provisions of this chapter.

19.0115 *License fees—disposition of.* All license fees collected under this chapter shall be transferable to the treasurer of the

Tribal Council and credited to the general fund of the Turtle Mountain Band of Chippewa Indians.

19.0116 *Hours and time of sale.* No licensee shall sell, serve, or permit to be sold, served or consumed on the premises named in the license any alcoholic beverages between the hours of 1:00 a.m. on Sundays and 8:00 a.m. on Mondays, or between the hours of 1:00 a.m. and 8:00 a.m. on all other days of the week or on Memorial Day, Good Friday, Christmas Day or after 6:00 p.m. on Christmas Eve, or between the hours of 1:00 a.m. and 8:00 p.m. on the day of any statewide, Tribal, County, or other election affecting the electors of this Reservation.

19.0117 *Licensee's responsibility.* Every licensee is hereby made responsible for the conduct of his place of business and is required to maintain order and sobriety in such place of business, permitting no disorderly conduct on the premises. Alcoholic beverages shall not be served to any intoxicated person, nor shall any intoxicated person be permitted to remain upon the premises.

19.0118 *Cashing certain checks prohibited.* No licensee hereunder shall cash any bank check, voucher, order, or document of any kind drawn by a County Welfare Board, or any state or federal agency in payment for wages made for work done on any so-called work relief project, or for relief purposes, which by its terms authorizes or permits any person presenting such bank check, voucher, order or document to receive payment of money.

19.0119 *Sales prohibited—items.* No licensee shall sell on the licensed premises any item other than alcoholic beverages, soft drinks, tobacco products, drink mixing supplies, peanuts, pretzels, potato chips and related sundries; except a licensee may sell alcoholic beverages in a restaurant separated from the room in which alcoholic beverages are opened or mixed if gross sales of food are at least equal to sales of alcoholic beverages in the dining area.

19.0120 *Sales prohibited—persons.* No licensee, his agent, or employee shall sell any alcoholic beverages to a person under 21 years of age, a habitual drunkard, an incompetent, or an intoxicated person.

19.0121 *Minors in licensed premises.* No licensee shall permit any person under 21 years of age to remain on the licensed premises while alcoholic beverages are being sold or displayed thereon, except that a person under 21 years may remain in a restaurant where alcoholic beverages are being sold if accompanied by a parent or legal guardian.

19.0122 *Age identification.* Before selling alcoholic beverages to any person, or before determining whether any person shall remain upon the licensed premises, a licensee, his agent or employee may require a statement in writing and signed by said person of such person's age. Any person who makes a false statement as to his or her age, or signs a name other than his own or her own to any such statement, shall be guilty of violation of this Chapter.

19.0123 *Street sales prohibited.* The sale or consumption of alcoholic beverages upon or across any street, alley, or public way is prohibited.

19.0124 *Premises, equipment of.* Premises licensed hereunder for on sale alcoholic beverages shall be equipped with tables, chairs, booths and stools in a sufficient number to accommodate reasonably the patrons.

19.0125 *Closed or screened areas.* No premises licensed for on-sale of alcoholic beverages shall contain any side rooms, closed booths, or other screened enclosures, nor shall any screen, partition, curtain, blind, or obstruction of any kind prevent a clear view at all times of all parts of the interior of the premises licensed. All booths located in such premises shall open directly into the main part of said premises and shall be accessible from the aisles therein.

19.0126 *Purchase from licensed wholesaler.* No licensee hereunder shall purchase, have or possess any alcoholic beverages other than those purchased from a wholesaler duly licensed by the State of North Dakota pursuant to the provisions of Title V of the North Dakota Century Code; and each licensee hereunder shall keep on file all invoices covering purchases by him of such alcoholic beverages showing the name and license number of the wholesaler, and such records shall be retained in the possession of the licensee and shall be at all times open to inspection by any police officer.

19.0127 *Toilets required.* The premises for which an On-Sale License is granted must be equipped with adequate and sufficient lavatories and toilets, separately maintained for men and women, and kept in a clean and sanitary condition. The On-Sale License may be revoked when the foregoing requirements, or any other health ordinance or regulation, is not, at all times, strictly observed.

19.0128 *Bottle clubs.* No person shall operate an establishment whereby persons are allowed to bring their own alcoholic beverages on the premises where the proprietor sells soft drinks, mix, ice, or charges for bringing such beverages on the premises.

19.0129 *Deliveries—off licensed premises.* 1. It shall be unlawful for any person, firm or corporation engaged in the retail sale of liquor, beer or alcoholic beverages to make, or cause to be made any deliveries outside of the licensed place of business of beer, liquor or other alcoholic beverages to any purchaser or prospective purchaser.

2. It shall be unlawful for any person, firm or corporation to deliver by foot, carrier or motor carrier, any beer, liquor or alcoholic beverage, to any person within the reservation provided however, that this section shall not apply to deliveries made by a licensed wholesaler dealer to a licensed retail dealer.

3. Where any retail alcoholic beverage or beer license is a club or lodge, such licensee shall sell to members and their guests only.

19.0130 *Termination or revocation of licenses.* 1. Licenses issued pursuant to this article shall be deemed cancelled and revoked and terminated upon the happening of any one or more of the following contingencies.

a. The death of the licensee unless upon application to the Tribal Council by personal representative of the decedent, the Tribal Council shall consent to the carrying on of the business by the personal representative.

b. When the licensee ceases business at the location licensed, unless a new location has been approved.

c. When the licensee be adjudged bankrupt.

d. When the licensee ceases to possess the qualifications required of an applicant for a license as set out in this Chapter.

e. When the license or permit of the licensee from the United States Government or the State of North Dakota to sell alcoholic beverages at the location licensed has been terminated or been revoked.

2. License issued pursuant to this ordinance may, in the discretion of the Tribal Council, be either revoked or suspended for such period of time as deemed appropriate, upon the following grounds:

a. When the licensee has been convicted of violating any of the provisions of this Chapter.

b. When the business of the licensee at the location licensed shall be conducted in violation of health or sanitary regulations or other ordinances of the Turtle Mountain Indian Reservation.

3. Such causes as are hereinbefore detailed shall not be deemed to be exclusive and such license may also be cancelled and revoked or suspended at any time by the governing body for any cause deemed by said governing body to be sufficient cause and justified by reason of public health or public morals. Such termination shall be subject only to review by the Tribal Courts.

4. When any license is terminated or revoked for cause. Or the licensee voluntarily ceases his business, no portion of the license fee previously paid shall be returned to the licensee or to anyone claiming under or through him.

19.0131 *Persons less than twenty-one years prohibited—exceptions.* It shall be unlawful for any person under twenty-one years of age to purchase, attempt to purchase or be in possession of alcoholic beverages or furnish money to any person for such purchase or enter any licensed premises where such beverages are being sold or displayed, except a restaurant when accompanied by a parent or legal guardian.

19.0132 *Violation of provisions of this chapter (Indian).* Any Indian violating any of the provisions of this chapter, shall be guilty of an offense and shall be punished by a fine of not more than one hundred dollars, or by confinement for not more than thirty days or by both such fine and confinement with costs.

19.0133 *Violations of provisions of this chapter (Non-Indian).* Any non-Indian licensee violating any of the provisions of this Chapter shall be removed from the reservation pursuant to Article IX, Section 4 of the Constitution and By-laws of the Turtle Mountain Band of Chippewa Indians.

LAFOLLETTE BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-10654 Filed 5-8-74;8:45 am]

Bureau of Land Management

[Arizona 7693]

ARIZONA

Notice of Application

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) Southern Pacific Pipe Lines, Inc., has applied for a 20-inch petroleum products pipeline right-of-way across the following lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 S., R. 6 W.,
Sec. 31, lot 3, SE¼NW¼ and NE¼SW¼.
T. 2 S., R. 7 W.,
Sec. 1, lots 3 and 4 and SW¼NW¼;
Sec. 2, SW¼, NW¼SE¼, and S½NE¼;
Sec. 3, S½SE¼;
Sec. 9, SE¼NE¼, SE¼SW¼, W½SE¼, and NE¼SE¼;
Sec. 10, NW¼ and N½NE¼;
Sec. 16, NW¼ and NW¼SW¼;
Sec. 17, SE¼ and SE¼NE¼;
Sec. 20, NW¼NE¼, E½NW¼, SW¼NW¼, and W½SW¼;
Sec. 29, W½W½NW¼ and NW¼SW¼;
Sec. 30, E½E½;
Sec. 31, lot 4 and E½NE¼, SW¼NE¼, E½SW¼, and NW¼SE¼.

T. 3 S., R. 7 W., unsurveyed
Sec. 6, NW¼NW¼.
T. 2 S., R. 8 W, unsurveyed
Sec. 36, S½SE¼.
T. 3 S., R. 8 W., unsurveyed
Sec. 1, NE¼ and W½;
Sec. 2, SE¼SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, W½ and NE¼;
Sec. 15, NE¼, SW¼, SE¼NW¼, and NW¼SE¼;
Sec. 21, NE¼, SW¼, and NW¼SE¼;
Sec. 22, NW¼NW¼;
Sec. 28, NW¼NW¼;
Sec. 29, E½NE¼, SW¼NE¼, SW¼SW¼, E½SW¼, and NW¼SE¼;
Sec. 31, E½NE¼, SW¼NE¼, SW¼SW¼, E½SW¼ and W½SE¼;
Sec. 32, NW¼NW¼.
T. 4 S., R. 8 W.,
Sec. 6, lots 3, 4, and 5.
T. 4 S., R. 9 W.,
Sec. 1, S½SE¼ and NE¼SE¼;
Sec. 11, SE¼NE¼ and N½S½;
Sec. 12, NW¼ and NW¼NE¼;
Sec. 17, N½SW¼, SE¼NW¼, SW¼SW¼, S½NE¼, and NE¼NE¼;
Sec. 18, S½SE¼ and NE¼SE¼;
Sec. 19, lots 1 and 2, NW¼NW¼NE¼ and NE¼NW¼.
T. 5 S., R. 11 W.,
Sec. 19, lot 4, S½NE¼, N½SE¼, and E½SW¼.
T. 5 S., R. 12 W.,
Sec. 25, NW¼ and N½NE¼;
Sec. 26, SW¼, NW¼SE¼, and SE¼NE¼;
Sec. 33, SE¼NE¼, N½SE¼, NE¼SW¼, SW¼SW¼, and NW¼SE¼SW¼.
T. 6 S., R. 12 W.,
Sec. 5, lots 1 and 2.
T. 6 S., R. 14 W.,
Sec. 34, NW¼SW¼;
Sec. 35, NW¼NW¼.
T. 7 S., R. 14 W.,
Sec. 4, lots 3 and 4;
Sec. 5, lot 1, S½NE¼, SE¼NW¼, and N½SW¼.
T. 7 S., R. 15 W.,
Sec. 14, N½NW¼;
Sec. 15, NE¼NE¼;
Sec. 17, S½SW¼SE¼;
Sec. 20, N½NW¼.
T. 7 S., R. 16 W.,
Sec. 22, SE¼SE¼;
Sec. 23, that portion of the NE¼SE¼ lying within Railroad Right-of-Way;
Sec. 24, SE¼NE¼;
Sec. 27, that portion of the N½NW¼ lying within Railroad Right-of-Way;
Sec. 28, NE¼NE¼;
Sec. 29, SE¼NE¼.
T. 8 S., R. 17 W.,
Sec. 28, NW¼NW¼.
T. 8 S., R. 20 W.,
Sec. 7, lots 1, 9, 10 and 13, SW¼NE¼ and SE¼SE¼;
Sec. 17, lots 6, 7, and 13, SE¼SW¼, NW¼SW¼, and SW¼SE¼;
Sec. 20, lots 4 and 5, SW¼NE¼ and E½SE¼;
Sec. 21, S½NW¼SW¼ and SW¼SW¼;
Sec. 27, SW¼SW¼SW¼;
Sec. 28, E½NW¼, NE¼NW¼NW¼, W½SE¼, and SE¼SE¼;
Sec. 34, SE¼, SW¼NE¼, and NW¼;
Sec. 35, S½SW¼.
T. 8 S., R. 21 W.,
Sec. 1, lot 13 and SE¼SW¼;
Sec. 3, lots 13 and 14, and S½SW¼;
Sec. 4, SE¼SE¼;
Sec. 8, lots 5, 6, and 7;
Sec. 9, N½NE¼;
Sec. 10, N½NE¼;
Sec. 12, SE¼NE¼;
Sec. 17, lot 1;
Sec. 18, lot 9 and NW¼NE¼.
T. 9 S., R. 19 W.,
Sec. 5, SW¼SW¼;
Sec. 8, NE¼NW¼;
Sec. 9, SW¼NW¼ and SE¼NE¼;
Sec. 10, N½NW¼ (acquired).
T. 9 S., R. 20 W.,
Sec. 1, N½S½ and SW¼NW¼;
Sec. 2, lots 1, 2, and 3 and SE¼NE¼.

This pipeline will convey petroleum products across approximately 45 miles of Federal lands in Yuma and Maricopa Counties. The route of the pipeline will follow Right-of-Way granted under Serial AR 08806 and generally will be contained within the present right-of-way on which the railroad tracks of the Southern Pacific Transportation Company run.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Chief, Division of Technical Services, 3022 Federal Building, Phoenix, Arizona 85025.

Dated: May 2, 1974.

GLENDON E. COLLINS,
Chief,
Division of Technical Services.

[FR Doc.74-10648 Filed 5-8-74;8:45 am]

[Wyoming 45531]

WYOMING

Notice of Application

MAY 2, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Stauffer Chemical Company of Wyoming has applied for a natural gas pipeline in the following townships:

SIXTH PRINCIPAL MERIDIAN, WYOMING

Tps. 18 and 19 N., R. 99 W.
Tps. 17, 18, 19 and 20 N., R. 100 W.
T. 20 N., Rs. 101, 102 and 103 W.

The pipeline will be an extension of the Nitchie Gulch Field to North Baxter Field gathering system.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

PHILIP C. HAMILTON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-10650 Filed 5-8-74;8:45 am]

[New Mexico 20280]

NEW MEXICO

Notice of Application

MAY 1, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Southern Union Gas Company has applied for a 2and 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 12 W.,
Sec. 25, N½NW¼.

These pipelines will convey natural gas across .444 miles of national resource land in San Juan County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above right-of-way application.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-10679 Filed 5-8-74;8:45 am]

[New Mexico 21350]

NEW MEXICO

Notice of Application

MAY 2, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 10¾ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 26 E.,
Sec. 11, N½S½.
Sec. 12, N½S½.
T. 24 S., R. 27 E.,
Sec. 7, N½S½.
Sec. 8, SW¼NW¼, NW¼SW¼.

This pipeline will convey natural gas across 3.269 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above right-of-way application.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-10678 Filed 5-8-74;8:45 am]

[New Mexico 21335-8, 21420, 21421, 21423]

NEW MEXICO

Notice of Applications

MAY 2, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for seven 4½ inch natural gas

pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 30 E.,
Sec. 31, SE¼NE¼.
T. 22 S., R. 27 E.,
Sec. 3, SE¼SE¼
Sec. 11, W½NW¼.
T. 23 S., R. 34 E.,
Sec. 27, SW¼NW¼, N½SW¼, SE¼SW¼, SW¼SE¼.
T. 24 S., R. 27 E.,
Sec. 7, NE¼SW¼.
Sec. 8, SW¼NW¼.

These pipelines will convey natural gas across 1.919 miles of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above seven right-of-way applications.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-10677 Filed 5-8-74;8:45 am]

[INT DES 74-53]

PROPOSED FEDERAL COAL LEASING

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a draft environmental statement for resumption of competitive leasing of Federal coal reserves from public lands in the western United States.

Program objectives include developing a managed coal leasing program which will determine the amount of coal which should be developed in specific areas on a time schedule to assure that public land coal resources will most effectively meet energy needs. Procedural steps in the proposed program include this coal programmatic 102 statement, preliminary tract identification which will include a call for indications of areas of interest, and lease sale scheduling.

Written comments on this draft statement received on or before June 24, 1974, will be given careful consideration. Public hearings may be scheduled within the same 45-day review period. Upon completion of the review period, the Bureau will weigh all information and comments received, and if the decision is to proceed further, will prepare a final environmental statement. Only after completion of the final environmental statement and compliance with all the requirements of NEPA and the Council on Environmental Quality guidelines issued pursuant to it, will a final decision be made whether to proceed with the coal leasing program.

Copies of this draft have been distributed to State governments, industry representatives, and conservation groups. A limited number of additional copies are available to the public through the BLM State offices in Anchorage, Alaska; Phoenix, Arizona; Sacramento, California; Denver, Colorado; Boise, Idaho; Billings, Montana; Reno, Nevada; Santa Fe, New Mexico; Portland, Oregon; Salt Lake City, Utah; Cheyenne, Wyoming, or from the Bureau of Land Management (723), Washington, D.C. 20240.

Comments concerning the environmental statements and impacts should be addressed to Director, Bureau of Land Management (723), 18th and C Sts., NW, Washington, D.C. 20240. These comments must be submitted on or before June 24, 1974 to be considered in the preparation of the final environmental statement.

Dated: May 3, 1974.

CURT BERKLUND,
Director.

[FR Doc.74-10703 Filed 5-8-74;8:45 am]

Office of the Secretary

[INT DES 74-54]

PROPOSED CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE, MONTANA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the Proposed Charles M. Russell National Wildlife Range, Montana, and invites written comments on or before June 24, 1974.

The proposal recommends 176,140 acres of the Charles M. Russell National Wildlife Range, Fergus, Garfield, McCone, Petroleum, Phillips and Valley Counties, Montana, be designated as wilderness within the National Wilderness Preservation System.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
10597 West Sixth Avenue
Denver, Colorado 80215

Headquarters
Charles M. Russell National Wildlife Range
Box 110
Lewiston, Montana 59457

State Director
Bureau of Land Management, Federal Building
316 N. 26th Street
Billings, Montana 59101

Bureau of Sport Fisheries and Wildlife
Office of Environmental Coordination
Department of the Interior
Room 2246
18th and "C" Streets, NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: May 3, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-10704 Filed 5-8-74;8:45 am]

NATIONAL WILD AND SCENIC RIVERS SYSTEM

Clarion River Found Not Qualified

Notice is hereby given in accordance with section 7(b)(i) of the Wild and Scenic Rivers Act, Pub. L. 90-542, October 2, 1968, that the Secretaries of the Interior and Agriculture have concluded, on the basis of study, that the Clarion River, Pennsylvania, should not be included in the national wild and scenic rivers system.

ROGERS C. B. MORTON,
Secretary of the Interior.

MAY 6, 1974.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.74-10744 Filed 5-8-74;8:45 am]

OIL SHALE ENVIRONMENTAL ADVISORY PANEL

Notice of Meeting

Notice is hereby given that the Oil Shale Environmental Advisory Panel will meet May 16 and 17, 1974, at Rangely Junior College, Rangely, Colorado. The agenda will include an on-the-ground tour of the two leased Federal oil shale tracts, consideration of policy guidelines to be recommended to the responsible Federal officials, presentations by the two Colorado lessee groups, recommendations to the U.S. Geological Survey Mining Supervisor on a partial exploration plan for Colorado Tract C-b and discussion of any additional plans submitted to the panel by May 16. The meeting will begin at 8 a.m., Thursday, May 16 and conclude at 5 p.m., Friday, May 17, 1974.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Panel Chairman prior to the meeting. Any interested person may file a written statement with the Panel for its consideration. The Advisory Panel Chairman is Mr. William L. Rogers. Written statements may be submitted at the meeting or mailed to Mr. William L. Rogers, Office of the Secretary, Department of the Interior, Room 688, Building 67, Denver Federal Center, Denver, Colorado 80225. Further information concerning this meeting may be obtained from Mr. Henry O. Ash, Department of the Interior, Denver Federal Center, Denver, Colorado at (303) 234-3275. Minutes of the meeting will be available for public inspection 30 days after the meeting at the Office of the Special Assistant to the Secretary, Department of the Interior, Room 688,

Building 67, Denver Federal Center, Denver, Colorado.

Dated: May 6, 1974.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.74-10681 Filed 5-8-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Order 905]

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of section 10(a)(2) of Pub. L. 92-463, notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruits, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., local time, on May 16, 1974.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the Committee includes the receipt and review of market supply and demand information incidental to consideration of the need for modification of current grade and size limitations applicable to domestic and export shipments of the named fruits.

The names of Committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee. PO. Box R. Lakeland, Florida 33802; telephone 813-682-3103.

Dated: May 3, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-10662 Filed 5-8-74;8:45 am]

Animal and Plant Health Inspection Service

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Status

The purpose of this document is to give publi cnotice concerning the status of plant protection and quarantine programs of the Department as they relate to environmental impact statemens on continuing programs. Pursuant to the National Environmental Policy Act (Pub. L. 91-190, 42 U.S.C. 4321, et seq.) and Executive Order 11514 (35 FR 4247) of March 7, 1970, in providing timely public information on Federal plans and programs with environmental impact, notice is hereby given that on March 14, 1974, the Animal and Plant Health Inspection Service provided the Council on Environmental Quality with the following status report:

Plant Protection and Quarantine Programs has prepared or collaborated in the preparation of environmental impact statements for the following activities in 1972 and 1973: Airport treatment programs, boll weevil diapause program, gypsy moth, grasshoppers, imported fire ant, and witchweed. The 1974 final gypsy moth statement is in the review stage and should be submitted shortly. An addendum to the imported fire ant statement, USDA-APHIS-ADM-73-2, was submitted on January 11, 1974.

The pesticide use proposed for 1974 on these programs has been reviewed by the Program Review Panel of the Federal Working Group on Pest Management. Only minor comments were received and will not materially affect the planned pest control work.

The statement for airport treatment programs, USDA-APHIS-PPQ-ADM-73-1, is still current and no significant changes are contemplated.

The statement for the cooperative boll weevil diapause control program, USDA-APHIS-PPQ-ADM-72-4, describes our current plans with the following exceptions. In the original plan, aldicarb (Temik) was applied infurrow at planting time in the trap plots at 1 pound per acre and 4 to 6 weeks later as a sidedress treatment at 2 pounds per acre. In the 1974 plan we will only apply Detroit, Michigan 48201. Article: aldicarb as an infurrow treatment at 1 pound per acre. The total acreage of the trap plots will amount to about 200 acres. It is estimated the base acreage to be treated with malathion in 1974 will be about 150,000 acres. In the statement it is approximately 100,000 acres.

The statement for grasshopper control, USDA-APHIS-PPQ-72-2, is essentially the same for 1974. It is estimated about 1.5 million acres could be treated in Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Wyoming, and Washington. Last year approximately 2.8 million acres were treated in the Western States and Texas.

The statement for witchweed control is still current except for the use of ethylene gas on about 12,000 acres. This will involve the use of one application applied by injection to cultivated land at a rate of 1½ pounds per acre. A wide range of agricultural crops may be planted on the treated lands. An exemption for ethylene has been requested from the Environmental Protection Agency under Pesticide Petition Number 4E1457.

There may be some tests conducted on small plots on some of these programs. However, all nonregistered uses will be accomplished under experimental permit or exemption related to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

Done at Washington, D.C., this 3d day of May, 1974.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-10742 Filed 5-8-74;8:45 am]

Food and Nutrition Service

[FSP No. 1974-3.2, Amdt. 28]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Hawaii

Correction

In FR Doc. 74-9596, appearing on page 14983 in the issue of Monday, April 29, 1974, the 1 person entry for monthly income $210 to $229.99 in the *Monthly coupon allotments and purchase requirements-Hawaii* table reading "44" should read "42".

Forest Service

BUCKS LAKE UNIT; PLUMAS NATIONAL FOREST

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan, Bucks Lake Unit, Plumas National Forest, California, USDA-FS-R5-DES (Adm)-74-3.

The environmental statement concerns a proposed land use management plan for the 44,936 acres of National Forest lands known as the Bucks Lake Unit of the Plumas National Forest, in Plumas County, California. Seven thousand six hundred sixty-three acres within this unit have been inventoried as "Roadless."

This draft environmental statement was filed with CEQ on May 3, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3231
12th St. & Independence Ave., SW
Washington, D.C.

Regional Forester's Office
630 Sansome St., Room 531
San Francisco, California

Forest Supervisor's Office
Plumas National Forest
Quincy, California

Oroville Ranger Station
Plumas National Forest
875 Mitchell Ave.
Oroville, California

A limited number of single copies are available, upon request, from Forest Supervisor Lloyd Britton, Plumas National Forest, Box 1500, Quincy, California 95971.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effect for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest

Supervisor Lloyd Britton, Plumas National Forest, Box 1500, Quincy, California 95971. Comments must be received on or before July 8, 1974, in order to be considered in the preparation of the final environmental statement.

Dated: May 1, 1974.

T. W. KOSKELLA,
Acting Regional Forester.

[FR Doc.74-10649 Filed 5-8-74;8:45 am]

CIBOLA NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Cibola National Forest Grazing Advisory Board will meet May 22 and 23, 1974 starting at 8 a.m. on May 22 at the Magdalena Ranger Station, Magdalena, New Mexico 87825. From the Ranger Station the group will proceed to the Baldy Allotment and will ride the Allotment on May 22 and May 23.

The purpose of this meeting will be to review the decision of Forest Supervisor Lloyd to reduce cattle numbers on the Baldy Allotment.

The meeting will be open to the public. Anyone attending the meeting should provide his or her own horse that is capable of traversing difficult terrain and long distances. A horse trailer will also be needed.

Persons who wish to attend should notify Supervisor Lloyd through telephone number 766-2185 or at 10308 Candelaria NE, Albuquerque, New Mexico 87112. Written statements may be filed with the committee before or after the meeting.

Dated: May 3, 1974.

W. L. LLOYD,
Forest Supervisor.

[FR Doc.74-10653 Filed 5-8-74;8:45 am]

GUNNISON NATIONAL FOREST AND GRAND MESA-UNCOMPAHGRE NATIONAL FORESTS MULTIPLE USE ADVISORY COMMITTEES

Notice of Meetings

The Gunnison National Forest Multiple Use Advisory Committee will meet at 1:30 p.m., May 23, 1974 at the Forest Service building, 216 North Colorado, Gunnison, Colorado.

The Grant Mesa-Uncompahgre National Forests Multiple Use Advisory Committee will meet at 1:30 p.m., May 24, 1974 at the Shavano Building, 101 North Uncompahgre Avenue, Montrose, Colorado.

The purpose of these meetings is to discuss land use planning procedures, water use on National Forest lands, and to make preliminary plans for the summer field meeting.

The meetings will be open to the public. Persons who wish to attend should notify Forest Supervisor John T. Minow, 1063 Main, Delta, Colorado (telephone 303-874-4411). Written statements may be filed with the committees before or after the meetings.

The committees have established the following rules for public participation:

1. A member of the public wishing to present an oral statement should notify Forest Supervisor John T. Minow at least three days prior to the meetings.

2. Any member of the public may be permitted to present oral statements at the meetings by the committee chairmen to the extent that time permits.

Dated: May 3, 1974.

JOHN T. MINOW,
Acting Forest Supervisor, Gunnison, National Forest; Forest Supervisor, Grand Mesa-Uncompahgre National Forest.

[FR Doc.74-10675 Filed 5-8-74;8:45 am]

SPREAD CREEK-NORTH GROS VENTRE PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Spread Creek-North Gros Ventre Planning Unit, Bridger-Teton National Forest, Wyoming. The Forest Service report number is USDA-FS-FES (Adm) R4-74-64.

The purpose of this environmental statement is to allocate National Forest System lands within the unit to specific resource uses and activities; establish management objectives; document management direction, decisions, and the needed coordination between resource uses and activities; and provide for protection, use, and development of a variety of resources found within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects. The mix of uses provided for includes moderate levels of consumptive resource uses. Major uses and activities include: livestock grazing, timber harvesting, roadbuilding, mining, camping, hunting, fishing, and general outdoor recreation.

This final environmental statement was transmitted to CEQ on May 2, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Bridger-Teton National Forest
Forest Service Building
Jackson, Wyoming 83001

District Forest Ranger
Gros Ventre Ranger District
Forest Service Building
Jackson, Wyoming 83001

A limited number of single copies are available upon request to Forest Supervisor Charles T. Coston, Bridger-Teton National Forest, Forest Service Building, Jackson, Wyoming 83001.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: May 2, 1974.

VERN HAMRE,
Regional Forester.

[FR Doc.74-10680 Filed 5-8-74;8:45 am]

Office of the Secretary

NATIONAL WILD AND SCENIC RIVERS SYSTEM

Clarion River Found Not Qualified

CROSS REFERENCE: For a document issued jointly by the Department of the Interior, Office of the Secretary, on the above Clarion River matter, see FR Doc. 74-10744, *supra*.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

AMERICAN MUSEUM OF NATURAL HISTORY ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final

decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the section is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

"* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant."

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 73-00126-36-46070. Applicant: American Museum of Natural History, Central Park West & 79th Street, New York, New York 10024. Article: Scanning Electron Microscope, Model S4. Date of denial without prejudice to resubmission: December 13, 1973.

Docket number: 73-00132-01-01100. Applicant: University of Chicago, Department of Pathology, Pritzker School of Medicine, 950 East 59th Street, Chicago, Illinois 60637. Article: Sequence Analyzer, JAS-47K. Date of denial without prejudice to resubmission: December 5, 1973.

Docket number: 73-00329-01-77030. Applicant: Texas A&M University, Department of Chemistry, College Station, Texas 77843. Article: PS-100 High Resolution/Wide Line Multi-Nuclear Spectrometer System. Date of denial without prejudice to resubmission. December 13, 1973.

Docket number: 74-00076-33-43420. Applicant: The University of Oklahoma, Purchasing Department, 660 Parrington Oval, Room 321, Norman, Oklahoma 73069. Article: Micromanipulator, Type MZ-10 and accessories. Date of denial without prejudice to resubmission: December 13, 1973.

Docket number: 74-00079-33-46040. Applicant: DHEW/PHS, Food and Drug Administration, Contracts & Procurement Branch, National Center for Toxicological Research, Jefferson, Arkansas 72079. Article: Electron Microscope, Model EM 201. Date of denial without prejudice to resubmission: December 18, 1973.

Docket number: 74-00093-98-77065. Applicant: Iowa State University, Iowa 50010. Article: Educational Mossbauer Analyzer, Model EMS-21. Date of denial without prejudice to resubmission: December 18, 1973.

Docket number: 74-00217-90-16295. Applicant: Cornell University, Philips Hall, Ithaca, New York 14850. Article: Chromium Doped Indium Phosphide Crystal Slices. Date of denial without prejudice to resubmission: December 13, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-10671 Filed 5-8-74;8:45 am]

CITY COLLEGE OF N.Y.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00469-01-77095. Applicant: City College of New York, Department of Chemistry, 138th Street and Convent Avenue, New York, N.Y. 10031. Article: Photoelectron spectrometer. Manufacturer: Perkin-Elmer, United Kingdom. Intended use of article: The article is intended to be used for research into the electronic structure and chemical bonding in metal-organic, inorganic and organic compounds. Particular compounds include organophosphines and organosilicon compounds, nitrones and pyridine N-oxides. The article will also be used by graduate students for their research as partial fulfillment of requirements for the Ph. D. or Masters Degree. The students will be instructed in the use of the instrument, and its application to research problems.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capabilities to vaporize a specimen by heating to temperatures up to 250° C and to contain the specimen in the resultant vapor state for analysis. The most closely comparable domestic instrument, the Model ESCA 36, manufactured by McPherson Instrument, Action, Massachusetts, does not possess the sample heating capability. The National Bureau of Standards (NBS) advised in its memorandum dated April 9, 1974 that the sample heating capability is pertinent to the purposes for which the article is intended to be used. We, therefore, find that the ESCA 36 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-10669 Filed 5-8-74;8:45 am]

COUNCIL ON LIBRARY RESOURCES, INC.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00181-99-07795. Applicant: Council on Library Resources, Inc., One DuPont Circle, Suite 620, Washington, D.C. 20036. Article: Automatic Library Card Camera and Transport System. Manufacturer: MEGA System Design Ltd., Canada. Intended use of article: The article is intended to be used to automatically film catalog cards to be used in all courses involving use of library in major academic institutions. Comments: No comments have been received with respect to this application. Decision: Application denied. Because the article possesses no scientific value for the purposes for which it is intended, a prima facie case is not presented upon which to base a finding of scientific equivalency. Reasons: Item 851.60 of the Tariff Schedules of the United States (TSUS) provides, inter alia, for duty-free treatment with respect to "Articles entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes * * * if no instrument or apparatus of equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used is being manufactured in the United States". The law provides that the Secretary of Commerce, who has delegated this authority to the Deputy Assistant Secretary for Resources and Trade Assistance, is to determine

"whether an instrument or apparatus of equivalent scientific value to such [the foreign] article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States" (headnote 6(c), Schedule 8, Part 4, TSUS). In order for the Deputy Assistant Secretary to make this determination of domestic availability (i.e., "being manufactured in the United States"), it is clear that some scientific use for the foreign article, whether educational or research, must be intended.

The National Bureau of Standards (NBS) advised in its memorandum dated April 1, 1974 that the article has "no scientific nor educational purpose pertinent to duty-free entry under Pub. L. 89–651 [Item 851.60, TSUS]. We, therefore, can make no findings on scientific equivalence."

Accordingly, we find that the foreign article does not possess any scientific value for the purposes for which it is intended to be used. Therefore, there being no value against which to gauge equivalency, the possible availability of domestic equivalents cannot be determined.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–10665 Filed 5–8–74;8:45 am]

CREIGHTON UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00269–33–46040. Applicant: Creighton University, Boyne School of Dental Science, 2810 Webster Street, Omaha, Nebraska 68178. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Intruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in research to identify the cytological deviations which are evident clinically and experimentally as variations in the process of inflammation and repair. Experiments being carried out include:

(1) Examination of surgical specimens for quantitation of inflammatory types and qualification of activity of these cells based on number and appearance of intracellular organelles,

(2) Examination of experimental specimens which have been altered by pharmacological methods and/or treated with specific reagents. The article will also be used for educational purposes in the course "Advanced Oral Biology" by undergraduate and graduate students.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (November 29, 1972).

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU–4C electron microscope which was formerly manufactured by the Forgflo Corporation and which is currently supplied by Adam David Company. The Model EMU–4C electron microscope was a relatively complex instrument designed for research, which required a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated March 27, 1974 that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–10664 Filed 5–8–74;8:45 am]

JOSLIN DIABETES FOUNDATION, INC., ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00212–33–46040. Applicant: Joslin Diabetes Foundation Inc., 170 Pilgrim Road, Boston, Massachusetts 02215. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of the embryology and developmental aspects of changing pancreatic beta cell function and sensitivity to glucose as well as the morphologic events which are responsible for insulin secretion in the adult organism. These studies will involve conventional and high resolution electron microscopy of stained and unstained sections of biological tissues and high resolution electron microscopy of replicas of freeze-cleaved tissues. Application received by Commissioner of Customs: November 12, 1973. Advice submitted by the Department of Health, Education, and Welfare on: February 25, 1974. Date of order: November 27, 1973.

Docket number: 74–00218–33–46040. Applicant Wayne State University, Kresge Eye Institute, 540 East Canfield, Detroit, Michigan 48201. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used to analyze various tissues of the eye from experimental animals as well as some from human sources. This will include studies of (a) ultrastructural properties of cell membranes, and how they change during the process of wound healing and regeneration, (b) stimulation of ribosome production following injury or exposure of tissues to blood serum in organ culture, (c) ultrastructural changes which occur during corneal preservation, and (d) Herpes virus infections in the cornea. Other studies involving the extraocular muscles and the iris are also planned. Application received by Commissioner of Customs: November 20, 1973. Advice submitted by the Department of Health, Education, and Welfare on: February 25, 1974. Date of order: November 6, 1973.

Docket number: 74–00253–33–46040. Applicant: Presbyterian University of Pennsylvania Medical Center, 51 N. 39th Street, Philadelphia, Pennsylvania 19104. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of isolated blood vessels, heart and skeletal muscle from normal experimental subjects as well as diseased organs. The major objective of the investigations is to determine the source of calcium used for contraction in various muscles and the cellular loci where calcium is sequestered when muscle is relaxed. The investigation of diseased blood vessels will be used to determine the sites of deposition

of calcium in atherosclerosis, while similar studies on blood vessels will be directed toward determining the fundamental defect in producing high blood pressure. The article will also be used in the research training of graduate students and post-doctoral fellows. Application received by Commissioner of Customs: December 19, 1973. Advice submitted by Department of Health, Education, and Welfare on: March 26, 1974. Date of order: December 17, 1973.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU–4C electron microscope which was formerly produced by the Forgflo Corporation and which is currently supplied by Adam David Company. The Model EMU–4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–10667 Filed 5–8–74;8:45 am]

HARVARD MEDICAL SCHOOL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00156–33–46040. Applicant: Harvard Medical School, 25 Shattuck Street, Boston, Massachusetts 02115. Article: Electron Microscope, Model JEM 100B and Goniometer Stage. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to carry out a wide variety of studies in the following areas: viral morphogenesis and structure; genetics; immunology, medical and pathogenic bacteriology; physiology, protein and nucleic acid structure and function; and determination of subcellular components of both normal and virally infected bacterial and animal cells. The article will also be used by faculty and technical staff to pursue their research, and by graduate students to carry out research projects needed to complete the Ph. D. degree in Microbiology and Molecular Genetics. In addition, the article will be used in graduate course in Theory and Techniques of Electron Microscopy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (July 25, 1973). Reasons: The foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU–4C electron microscope which was formerly manufactured by the Forgflo Corporation and is currently being supplied by the Adam David Company. The Model EMU–4C had a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated January 25, 1974 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–10668 Filed 5–8–74;8:45 am]

MEMPHIS HOSPITAL, TENN., ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 29, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER (37 FR 3892), prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00402–33–90000. Applicant: Methodist Hospital, 1265 Union Avenue, Memphis, Tennessee 38104. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for detecting and localizing disease processes of the brain, its coverings, and the eyes. The article will also be of most value in planning treatment such as surgical excision, and radiotherapy. This new technique will be a most valuable tool to be used in the teaching programs in Radiology, Neurosurgery, Ophthalmology, Pathology and others and as an adjunct to existing diagnostic methods. Application received by Commissioner of Customs: March 28, 1974.

Docket Number: 74–00407–33–90000. Applicant: Hahnemann Medical College and Hospital, 230 North Broad Street, Philadelphia, Pa. 19102. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for clinical use to evaluate patients for potential intracerebral pathology. The article will also be used to supplement the current training of neuroradiologists, neurosurgeons, and neurologists. Application received by Commissioner of Customs: March 29, 1974.

Docket number: 74–00418–33–46040. Applicant: Health Research Department,

666 Elm Street, Buffalo, New York 14203. Article: Electron Microscope, Model Elmiskop 51. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to examine leukemic blasts from humans as well as other human cancers such as Ewing Sarcoma, breast cancer, etc. Experiments will involve examining material from human tumors as an aid in diagnosis. Different material will be examined and compared with the response to chemotherapy and radiation therapy, on an ultrastructural basis. The article will also be used in the course, Techniques of E.M. to teach students the principals of fixation, dehydration, and embedding of tissues for electron microscopy; and provide practical training in the use of the electron microscope. Application received by Commissioner of Customs: March 29, 1974.

Docket number: 74-00420-33-46040. Applicant: NASA-Ames Research Center, Moffett Field, California 94035. Article: Electron Microscope, Model Elmiskop 101B. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to provide high resolution electron diffraction and microscopy analysis of results of well controlled heterogeneous nucleation, epitaxial thin film growth and in-situ oxidation experiments. In addition, the article will be used in the investigation of the crystallographic structure and chemical composition of microscopic precipitates in titanium alloys which are of particular interest to NASA's hydrogen embrittlement program. Application received by Commissioner of Customs: April 9, 1974.

Docket number: 74-00422-01-77095. Applicant: Emory University, Department of Chemistry, Atlanta, Georgia 30322. Article: Photon Correlation Spectrometer. Manufacturer: Precision Devices & Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used for the study of pure liquids and liquid solutions of materials whose molecules show liquid crystal properties by low angle laser light scattering. Materials in the molecular weight range of 10^2 to 10^5 will be studied. Light scattering experiments as a function of angle temperature, concentration and possibly pressure will be carried out. Application received by Commissioner of Customs: April 9, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-10670 Filed 5-8-74;8:45 am]

National Bureau of Standards

PROPOSED FEDERAL INFORMATION PROCESSING STANDARD CODE EXTENSION TECHNIQUES IN 7 OR 8 BITS

Request for Comments

Under the provisions of Pub. L. 89-306, the Secretary of Commerce is authorized to establish uniform Federal ADP standards. A proposed standard on code extension techniques in 7 or 8 bits[1] that is based upon the Federal adoption of voluntary industry standards which were developed by the American National Standards Institute and the International Organization for Standardization is being recommended for Federal use. This proposed standard specifies methods of extending ASCII (the American Standard Code for Information Interchange) (FIPS-1) by remaining in either a 7 bit environment or increasing to an 8 bit environment and building upon the structure of ASCII to describe various means of extending the control and graphic sets of the code.

Prior to the submission of a final endorsement of this proposal to the Secretary of Commerce for approval, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public and the state and local governments. The purpose of this notice is to solicit such views.

The proposed Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specification section which deals with the technical requirements of the standard. The first section is provided in its entirety in this notice.

Interested parties may obtain copies of the technical specifications from, and may submit comments to, the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before August 7, 1974.

Dated: May 2, 1974,

RICHARD W. ROBERTS,
Director.

[FR Doc.74-10537 Filed 5-8-74;8:45 am]

PROPOSED REVISION TO FEDERAL INFORMATION PROCESSING STANDARD 21—COBOL

Request for Comments

Under the provisions of Pub. L. 89-306, the Secretary of Commerce is authorized to establish uniform Federal ADP standards. A proposed revision to Federal Information Processing Standard 21—COBOL[1] is being recommended for Federal use. It is based on the Federal adoption of the voluntary industry standard that has been developed by the American National Standards Institute. This proposed revision supersedes FIPS PUB 21 and reflects major changes and improvements to the earlier COBOL specification.

Prior to the submission of a final endorsement of this proposal to the Secretary of Commerce for approval, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public and state and local governments. The purpose of this notice is to solicit such views.

The proposed Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specification section which deals with the technical requirements of the standard. The first section is provided in its entirety in this notice.

Interested parties may obtain a copy of the technical specifications from and may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before August 7, 1974.

Dated: May 2, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-10536 Filed 5-8-74;8:45 am]

[1] Filed as part of the original document.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COMMITTEE OF THE EDUCATION OF BILINGUAL CHILDREN

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that a subcommittee meeting of the Advisory Committee on the Education of Bilingual Children will be held from 9 a.m. Tuesday, May 14, 1974, to 4:30 p.m. through Friday, May 17, 1974, in Room 3945 Regional Office Building, 26 Federal Plaza, New York, New York 10007.

This is a subcommittee of the Advisory Committee on the Education of Bilingual Children established pursuant to section 708 of the Bilingual Education Act (20 U.S.C. 880b-5) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning the preparation of general regulations for and with respect to policy matters arising in the administration of the Bilingual Education Act.

The above described meeting shall be open to the public. The proposed agenda for this meeting is the drafting of a position paper on bilingual education which will in final form be turned in to the Commissioner of Education. Other relevant matters which the subcommittee deems germane to the issue shall also be discussed.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3045, Regional Office Building 3, 7th and D Streets, SW, Washington, D.C. 20202.

Signed at Washington, D.C., on May 2, 1974.

JAMES B. ROBERTS,
Executive Officer, BSS.

[FR Doc.74-10633 Filed 5-8-74;8:45 am]

GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities have been accepted for filing as of the respective dates indicated below under the provisions of Title III, Part IV of the Communications Act of 1934, as amended (47 U.S.C. 390–399) and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, within 30 calendar days from the date of this publication, file comments regarding these applications with the Chief, Educational Broadcasting Facilities Branch, Division of Technology and Environmental Education, Office of Education, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

Board of Regents, University of New Mexico and Board of Education, City of Albuquerque, Albuquerque, New Mexico 87102, File No. 428–T/T0181SC, for the improvement of noncommercial educational television station KNME on Channel 5, Albuquerque, NM. Proposal determined acceptable: April 1, 1970. Estimated project cost: $264,000. Grant requested: $198,000. Application signed by: F. C. Hempen, General Manager, Director of Television.

Florida West Coast Educational Television, Inc., 908 South 20th Street, Tampa, Florida 33605, File No. 429–T/T0024SC, for the improvement of noncommercial educational television station WEDU on Channel 3, Tampa, FL. Proposal determined acceptable: November 2, 1970. Estimated project cost: $312,500. Grant requested: $234,375. Application signed by: R. Le Roy Lastinger, Executive Vice President and General Manager.

Metropolitan Board of Education, 2601 Bransford Avenue, Nashville, Tennessee 37204, File No. 430T/T0179SC, for the improvement of noncommercial educational television station WDCN on Channel 8, Nashville, TN. Proposal determined acceptable: September 15, 1972. Estimated project cost: $597,851. Grant requested: $448,388. Application signed by: Elbert L. Brooks, Director of Schools.

Connecticut Education Television Corporation, 24 Summit Street, Hartford, Connecticut 06106, File No. 431–T/T0034SC, for the improvement of noncommercial educational television production facilities of WEDW–TV, Bridgeport and the proposed noncommercial television station WEDY, New Haven. Proposal determined acceptable: July 30, 1973. Estimated project cost: $470,000. Grant requested: $352,500. Application signed by: John C. Lennhoff, Vice President.

Connecticut Educational Television Corporation, 24 Summit Street, Hartford, Connecticut 06106, File No. 432–T/T0055SC, for the improvement of the noncommercial educational television control center, Hartford, Connecticut. Proposal determined acceptable: July 30, 1973. Estimated project cost: $439,168. Grant requested: $329,376. Application signed by: John C. Lennhoff, Vice President.

Nebraska Educational Television Commission, Box 83111, Lincoln, Nebraska 68501, File No. 433–T/T0070SC, for the improvement of the noncommercial educational television State network. Proposal determined acceptable: August 1, 1973. Estimated project cost: $563,606. Grant requested: $422,704. Application signed by: Jack G. McBride, General Manager.

Metropolitan Indianapolis Television Association, Inc., 1440 North Meridan Street, Indianapolis, Indiana 46202, File No. 434–T/T0085SC, for the improvement of noncommercial educational television station WFYI on Channel 20, Indianapolis, IN. Proposal determined acceptable: August 2, 1973. Estimated project cost: $247,224. Grant requested: $185,418. Application signed by: Howard S. Wilcox, Treasurer.

St. Lawrence Valley Educational Television Council, Inc., P.O. Box 114, Watertown, New York 13601, File No. 435–T/T0033SC, for the improvement of noncommercial educational television station WNPE on Channel 16, Watertown, New York. Proposal determined acceptable: August 2, 1973. Estimated project cost: $242,869. Grant requested: $182,152. Application signed by: Mr. Richard A. Jones, President.

Board of Trustees, Coast Community College District, 1370 Adams Avenue, Costa Mesa, CA 92626, File No. 436–T/T0027SC, for the improvement of noncommercial educational television station KOCE–TV on Channel 50, Huntington Beach, CA. Proposal determined acceptable: August 2, 1973. Estimated project cost: $364,004. Grant requested: $272,953. Application signed by: Norman E. Watson, Chancellor.

Regents of New Mexico State University, Box 3J–NMSU, Las Cruces, New Mexico 88003, File No. 437–T/T0065SC, for the improvement of noncommercial educational television station KRWG–TV on Channel 22, Las Cruces, NM. Proposal determined acceptable: August 13, 1973. Estimated project cost: $99,807. Grant requested: $74,807. Application signed by: K. R. Hafen, Vice President of Finance.

Community Television of Southern California, 4400 Sunset Drive, Los Angeles, California 90027, File No. 438–T/T0207SC, for the improvement of noncommercial educational television station KCET on Channel 28, Los Angeles, CA. Proposal determined acceptable: August 13, 1973. Estimated project cost: $919,361. Grant requested: $689,521. Application signed by: James R. Berns, Director of Business Affairs.

Blue Ridge ETV Association, 1215 McNeil Drive, S.W., P.O. Box 15, Roanoke, Virginia 24001, File No. 439–T/T0105SC, for the improvement of noncommercial educational television station WBRA on Channel 15, Roanoke, VA. Proposal determined acceptable: December 11, 1973. Estimated project cost: $417,981. Grant requested: $313,486. Application signed by: E. V. Rexrode, Jr., Vice President and General Manager.

State Educational Radio and Television Facility Board, P.O. Box 1758, Des Moines, Iowa 50306, File No. 440–T/T0093SC, for the establishment of a noncommercial educational television station on Channel 36, Red Oak, IA. Proposal determined acceptable: December 13, 1973. Estimated project cost: $2,108,257. Grant requested: $509,257. Application signed by: Hubert V. Cordier, Interim Executive Director.

WHYY, Inc., 4548 Market Street, Philadelphia, Pennsylvania 19139, File No. 441–T/T0102SC, for the improvement of noncommercial educational television station WHYY on Channel 12, Wilmington, Delaware. Proposal determined acceptable: December 13, 1973. Estimated project cost: $686,628. Grant requested: $514,971. Application signed by: Warren A. Kraetzer, Executive Vice President and General Manager.

Illinois Valley Public Telecommunications Corporation, 1501 West Bradley Avenue, Peoria, Illinois 61606, File No. 442–T/T0104SC, for the improvement of noncommercial educational television station WTVP on Channel 47, Peoria, IL. Proposal determined acceptable: December 13, 1973. Estimated project cost: $482,018. Grant requested: $361,513. Application signed by: Philip Weinberg, President.

Hampton Roads Educational Television Association, Inc., 5200 Hampton Boulevard, Norfolk, Virginia 23508, File No. 443–T/T0091SC, for the expansion of noncommercial educational television station WHRO–TV on Channel 15, Hampton-Norfolk, Virginia. Proposal determined acceptable: December 14, 1973. Estimated project cost: $753,000. Grant requested: $293,183. Application signed by: Randolph S. Brent, General Manager.

Metropolitan Pittsburgh Public Broadcasting, Inc., 4802 Fifth Avenue, Pittsburgh, Pennsylvania 15213, File No. 444–T/T0107SC, for the improvement of noncommercial educational television stations WQED and WQEX, Channels 13 and 16, Pittsburgh, PA. Proposal determined acceptable: December 14, 1973. Estimated project cost: $537,635. Grant requested: $403,226. Application signed by: Samuel J. Francis, Controller.

Springfield Community Television, Inc., P.O. Box 21, Springfield, Missouri 65802, File No. 445–T/T0108SC, for the establishment of a noncommercial educational television station on Channel 21, Springfield, MO. Proposal determined acceptable: December 14, 1973. Estimated project cost: $1,326,059. Grant requested: $994,544. Application signed by: Jerry L. Redfern, Secretary.

University of Utah, KUED Room 101, Music Hall, University of Utah, Salt Lake City, Utah 84112, File No. 446–T/T0174SC, for the improvement of noncommercial educational television station KUED on Channel 7, Salt Lake City, Utah. Proposal determined acceptable: December 14, 1973. Estimated project cost: $960,695. Grant requested: $511,325. Application signed by: W. S. Partridge, Vice President for Research.

Santa Clara County Board of Education, 45 Santa Teresa Street, San Jose, California 95110, File No. 447–T/T0090SC, for the improvement of noncommercial educational television station KTEH on Channel 54, San Jose, CA. Proposal determined acceptable: December 18, 1973. Estimated project cost: $250,077. Grant requested: 187,515. Application signed by: Glenn W. Hoffman, General Manager and County Superintendent of Schools.

Alaska Public Television, Inc., 308 G Street, Anchorage, Alaska 99501, File No. 448–T/T0096SC, for the establishment of a noncommercial educational television station on Channel 7, Anchorage, AK. Proposal determined acceptable: December 18, 1973. Estimated project cost: $770,125. Grant requested: $577,593. Application signed by: William T. McCaughan, President.

Tacoma School District No. 10, 601 South 8th Street, P.O. Box 1357, Tacoma, Washington 98402, File No. 449–T/T0097SC, for the improvement of noncommercial educational television station KTPS on Channel 62, Tacoma, Washington. Proposal determined acceptable: December 18, 1973. Estimated project cost: $128,642. Grant requested: $96,482. Application signed by: Mr. Toney Shelton, Business Manager, Deputy Secretary.

Milwaukee Area Board of Vocational, Technical, and Adult Education, 1015 North Sixth Street, Milwaukee, Wisconsin 53203, File No. 450–T/T0098SC, for the expansion of noncommercial educational television station WMVS on Channel 10, Milwaukee, WI. Proposal determined acceptable: December 18, 1973. Estimated project cost: $616,416. Grant requested: $462,312. Application signed by: William L. Ramsey, District Director.

Louisiana ETV Authority, Box 44064, Baton Rouge, Louisiana 70804, File No. 451–T/T109SC, for the establishment of a noncommercial educational television station on Channel 13, Monroe, LA. Proposal determined acceptable: December 18, 1973. Estimated project cost: $792,165. Grant request: $594,124. Application signed by: H. Max Fetty, Executive Director.

Louisiana ETV Authority, Box 44064, Baton Rouge, Louisiana 70804, File No. 452–T/T0110SC, for the improvement of noncommercial educational television station WLPB–TV on Channel 27, Baton Rouge, and proposed station, Ch 13, Monroe, Louisiana. Proposal determined acceptable: December 18, 1973. Estimated project cost: $649,568. Grant requested: $487,176. Application signed by: H. Max Fetty, Executive Director.

Board of Regents for Education, State of Rhode Island and Providence Plantations, 199 Promenade Street, Providence, Rhode Island 02908, File No. 453–T/T0116SC, for the expansion of noncommercial educational television station WSBE on Channel 36, Providence, Rhode Island. Proposal determined acceptable: December 18, 1973. Estimated project cost: $410,000. Grant requested: $307,500. Application signed by: Grace M. Glynn.

Central California Educational Television, Inc., P.O. Box 6, Sacramento, California 95801, File No. 454–T/T0124SC, for the improvement of noncommercial educational television station KVIE on Channel 6, Sacramento, California. Proposal determined acceptable: December 18, 1973. Estimated project cost: $329,334. Grant requested: $247,001. Application signed by: Arthur A. Paul, Executive Vice President and General Manager.

Public Communications Foundation for North Texas, 3000 Harry Hines Boulevard, Dallas, Texas 75201, File No. 455–T/T0120-SC, for the improvement of noncommercial educational television station KERA–TV on Channel 13, Dallas, Texas. Proposal determined acceptable: December 18, 1973. Estimated project cost: $133,820. Grant requested: $100,365. Application signed by: Robert A. Wilson, President.

KQED, Inc., 1011 Bryant Street, San Francisco, CA 94103, File No. 456–T/T0122SC, for the improvement of noncommercial educational television station KQED on Channel 9, San Francisco, CA. Proposal determined acceptable: December 18, 1973. Estimated project cost: $313,845. Grant requested: $235,383. Application signed by: Bernard Mayes, Executive Vice President.

The University of Arizona, Radio-Film-TV Bureau, Tucson, Arizona, File No. 457–T/T0127SC, for the improvement of noncommercial educational television station KUAT on Channel 6, Tucson, Arizona. Proposal determined acceptable: December 19, 1973. Estimated project cost: $205,000. Grant requested: $153,750. Application signed by: A. Richard Kassander, Jr., Vice President for Research.

Boise State College, 1910 College Boulevard, Boise, Idaho 83725, File No. 458–T/T0128-SC, for the improvement of noncommercial educational television station KAID on Channel 4, Boise, Idaho. Proposal determined acceptable: December 19, 1973. Estimated project cost: $239,960. Grant requested: $179,970. Application signed by: Jack A. Schlaefle, General Manager.

Southern Colorado State College, 2200 Bonforte Blvd., Pueblo, Colorado 81001, File No. 459–T/T0131SC, for the improvement of noncommercial educational television station KTSC on Channel 8, Pueblo, Colorado. Proposal determined acceptable: December 19, 1973. Estimated project cost: $315,200. Grant requested: $236,400. Application signed by: Harry P. Boldes.

The State of Oregon, acting by and through The State Board of Higher Education, Oregon Educational and Public Broadcasting Service (OEPBS), P.O. Box 1375, Eugene, Oregon 97403. File No. 460–T/T-0134SC, for the improvement of noncommercial educational television stations KOAC, Ch 7, Corvallis, and KOAP, Ch 10, Portland, Or gon. Proposal determined acceptable: December 19, 1973. Estimated project cost: $101,133. Grant requested: $75,848. Application signed by: Donald T. Larson, Secretary.

The Board of Regents of Florida Acting for and on Behalf of Florida State Universty, 202 Dodd Hall, Florida State University, Tallahassee, Florida 32306, File No. 461–T/T0136SC, for the improvement of noncommercial educational television station WFSU on Channel 11, Tallahassee, Florida. Proposal determined acceptable: December 19, 1973. Estimated project cost: $483,370. Grant requested: $362,528. Application signed by: Robert M. Johnson, Provost, Grad. Studies and Research.

WGBH Educational Foundation, 125 Western Avenue, Boston, Massachusetts 02134, File No. 462–T/T0137SC, for the expansion of noncommercial educational television station WGBH on Channel 2, Boston, MA. Proposal determined acceptable. December 19, 1973. Estimated project cost: $574,-365. Grant requested: $430,774. Application signed by: David O. Ives, President.

Center of Excellence, Inc., Post Office Box 379, Williamsburg, Virginia 23185, File No. 463–T/T0149SC, for the establishment of a noncommercial educational television station on Channel 46, West Point, Virginia. Proposal determined acceptable: December 19, 1973. Estimated project cost: $497,000. Grant requested: $372,750. Application signed by: Stephen D. Harris, Secretary-Treasurer.

San Bernardino Community College District, 631 S. Mt. Vernon Avenue, San Bernardino, California 92403, File No. 464–T/0154SC, for the improvement of noncommercial educational television station KVCR on Channel 24, San Bernardino, CA. Proposal determined acceptable: December 19, 1973. Estimated project cost: $400,265. Grant requested: $298,402. Application signed by: Raymond F. Ellerman, Superintendent.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wisconsin 53705, File No. 465–T/T0166SC, for the improvement of noncommercial educational television station WHWC on Channel 28, Colfax, Wisconsin. Proposal determined acceptable: December 19, 1973. Estimated project cost: $653,759. Grant requested: $490,259. Application signed by: Doris Ullrich, Chairman.

Fresno County Board of Education, 2314 Mariposa Street, Fresno, California 93721, File No. 466–T/T0106SC, for the establishment of a noncommercial educational television station on Channel 18, Fresno, CA. Proposal determined acceptable: December 21, 1973. Estimated project cost: $574,-113. Grant requested: $430,583. Application signed by: Earnest A. Poore, Supt.

Ohio Educational Television Network, 2470 North Star Road, Columbus, Ohio 43221, File No. 467–T/T0111SC, for the improvement of noncommercial educational television station WOET–TV on Channel 16, Kettering, Ohio. Proposal determined acceptable: December 21, 1973. Estimated project cost: $760,046. Grant requested: $567,710. Application signed by: Dave L. Fornshell, Executive Director.

Virgin Islands Public TV System, WTJX–TV, Channel 12, PO Box 5077, Charlotte Amalie, St. Thomas, Virgin Islands 00801, File No. 468–T/T0125SC, for the improvement of noncommercial education television station WTJX on Channel 12, Charlotte Amalie, St. Thomas, Virgin Islands. Proposal determined acceptable: December 21, 1973. Estimated project cost: $310,000. Grant requested: $232,000. Application signed by: Patrick N. Williams, Chairman, Board of Directors.

WGBH Educational Foundation, WGBY Division, One Armory Square, Springfield, Massachusetts 01105, File No. 469–T/T0161SC, for th improvement of noncommercial educational television station WGBY on Channel 57, Springfield, MA. Proposal determined acceptable: December 21, 1973. Estimated project cost: $742,-325. Grant requested: $556,743. Application signed by: John T. Caldwell, Jr., General Manager.

Sunflower Educational Television Corporation, 309 East 3rd Street, P.O. Box 288, Wichita, Kansas 67202, File No. 470–T/T0151SC, for the improvement of noncommercial educational television station KPTS on Channel 8, Hutchinson/Wichita. Proposal determined acceptable: December 27, 1973. Estimated project cost: $155,-383. Grant requested: $116,537. Application signed by: Loel J. Parenteau, Executive Vice President.

West Virginia Board of Regents, West Virginia University, Charleston, West Virginia 26505, File No. 471–T/T0160SC, for the expansion of noncommercial educational television station WWVU on Channel 24, Morgantown, WV through translators for Moorefield and Wardensville, WV. Proposal determined acceptable: December 27, 1973. Estimated project cost: $72,632. Grant requested: $54,474. Application signed by: James G. Harlow, President.

Twin City Area Educational Television Corporation, 1640 Como Avenue, St. Paul, Minnesota 55108, File No. 472–T/T0159SC, for the expansion and improvement of noncommercial educational television stations KTCA and KTCI on Channels 2 and 17, St. Paul/Minneapolis, MN. Proposal determined acceptable: December 28, 1973. Estimated project cost: $617,612. Grant requested: $463,209. Application signed by: John C. Schwarzwalder, Executive Vice President.

Greater Cincinnati Television Educational Foundation, 2222 Chichasaw Street, Cincinnati, Ohio 45219, File No. 473–T/T0163SC, for the improvement of noncommercial educational television station WCET on Channel 48, Cincinnati, OH. Proposal determined acceptable: December 28, 1973. Estimated project cost: $474,910. Grant requested: $318,560. Application signed by: Charles W. Vaughan, President and General Manager.

Maryland Public Broadcasting Commission, Bonita Avenue, Owings Mills, Maryland 21117, File No. 474–T/T0165SC, for the establishment of a noncommercial educational television station on Channel 22, Annapolis, MD. Proposal determined acceptable: December 28, 1973. Estimated project cost: $1,368,100. Grant requested: $813,600. Application signed by: Frederick Breitenfeld, Executive Director.

City of Atlanta, Board of Education, 224 Central Avenue, S.W., Atlanta, Georgia 30303, File No. 475–T/T0167SC, for the improvement of noncommercial educational television station WETV on Channel 30, Atlanta, GA. Proposal determined acceptable: December 28, 1973. Estimated project cost: $569,738. Grant requested: $427,303. Application signed by: Alonzo Crim, Superintendent.

Eastern New Mexico University, Box 2047, Portales, New Mexico 88130. File No. 476–T/T0169SC, for the improvement of noncommercial educational television station KENW on Channel 3, Portales, NM. Proposal determined acceptable: December 28, 1973. Estimated project cost: $105,825. Grant requested: $79,369. Application signed by: Charles W. Meister, President.

Mississippi Authority for Educational Television, Post Office Drawer 1101, Jackson, Mississippi 39205, File No. 477–T/T0201SC, for the improvement of the Mississippi noncommercial educational television network. Proposal determined acceptable: December 29, 1973. Estimated project cost: $1,218,500. Grant requested: $913,875. Application signed by: William R. Smith, Executive Director.

Arkansas ETV Commission, 350 South Donaghey, Conway, Arkansas 72032, File No. 478–T/T0117SC, for the establishment of a noncommercial educational television station on Channel 19, Jonesboro, Arkansas. Proposal determined acceptable: January 21, 1974. Estimated project cost: $886,379. Grant requested: $481,039. Application signed by: Lee Reaves, Director.

University of Maine, Alumni Hall, Orono, Maine 04473, File No. 479–T/T0185SC, for the improvement of the Maine Public Broadcasting network. Proposal determined acceptable: January 28, 1974. Estimated project cost: $62,266. Grant requested: $46,700. Application signed by: Herbert L. Fowle, Jr., Vice Chancellor for Business and Financial Affairs.

University of North Carolina, 910 Raleigh Road, Chapel Hill, North Carolina 27514, File No. 480–T/T0188SC, for the improvement of State ETV network remote production center based at North Carolina State University, Raleigh, NC. Proposal determined acceptable: January 29, 1974. Estimated project cost: $396,453. Grant requested: $297,339. Application signed by: George E. Bair, Director of Educational Television.

University of North Carolina, 910 Raleigh Road, Chapel Hill, North Carolina 27514. File No. 481–T/T0187SC, for the improvement of the State ETV network production capability, University of North Carolina, Chapel Hill, NC. Proposal determined acceptable: January 29, 1974. Estimated project cost: $389,393. Grant requested: $292,046. Application signed by: George E. Bair, Director of Educational Television.

Ball State University, WIPB–TV Muncie, Indiana 47306, File No. 482–T/T0191SC, for the improvement of noncommercial educational television station WIPB on Channel 49, Muncie, Indiana. Proposal determined acceptable: January 30, 1974. Estimated project cost: $140,634. Grant requested: $105,474. Application signed by: John J. Pruis, President.

Greater Toledo ETV Foundation, P.O. Box 2330, Toledo, Ohio 43603, File No. 483–T/T0192SC, for the improvement of noncommercial educational television station WGTE on Channel 30, Toledo, Ohio. Proposal determined acceptable: January 30, 1974. Estimated project cost: $322,245. Grant requested: $241,683. Application signed by: E. Dana Cox, Jr., Vice President and General Manager.

Secretary of Education, Commonwealth of Puerto Rico, Radio and TV Services, Urb. Industrial Tres Monjitas-Cesar Gonzales Ave. Calaf Corner, Hato Rey, Puerto Rico 00919, File No. 484–T/T0194SC, for the improvement of noncommercial educational television station WIPM on Channel 3, Mayaguez, Puerto Rico. Proposal determined acceptable: January 30, 1974. Estimated project cost: $1,840,000. Grant requested: $1,380,000. Application signed by: Dr. Ramon A. Cruz, Secretary of Education.

North Central ETV, Inc., 4500 South University Drive, Fargo, North Dakota, File No. 485–T/T0197SC, for the improvement of noncommercial educational television stations KGFE and KFME, Channels 13 and 2, Fargo/Grand Forks, ND. Proposal determined acceptable: February 1, 1974. Estimated project cost: $348,722. Grant requested: $261,550. Application signed by: Dennis L. Falk, Executive Secretary.

Department of Education, Pago Pago, American Samoa 96799, File No. 486–T/T0199SC, for the improvement of noncommercial educational television station KVZK on Channel 4, Pago Pago, American Samoa. Proposal determined acceptable: February 1, 1974. Estimated project cost: $328,024. Grant requested: $162,000. Application signed by: Richard W. Stevens, Station Manager.

University of New Hampshire, WENH TV New Hampshire Network, Box 2, Durham, New Hampshire 03824. File No. 487–T/T0200 SC, for the improvement of the New Hampshire noncommercial educational television network. Proposal determined acceptable: February 1, 1974. Estimated project cost: $58,646. Grant requested: $43,985. Application signed by: Robert N. Faiman, Vice President for Research and Special Program Administration.

Milwaukee Area District, Board of Vocational, Technical and Adult Education, 1015 North 6th Street, Milwaukee, Wisconsin 53203. File No. 488–T/T0208SC, for the expansion of noncommercial educational television station WMVT on Channel 36, Milwaukee, WI. Proposal determined acceptable: February 5, 1974. Estimated project cost: $287,124. Grant requested: $215,343. Application signed by: William L. Ramsey, District Director.

Superintendent of Public Instruction, State Capitol, Helena, Montana 59601, File No. 489–T/T0141SC, for the establishment of a noncommercial educational television station on Channel 7, Butte, MT. Proposal determined acceptable: February 20, 1974. Estimated project cost: $722,000. Grant requested: $499,998. Application signed by: Dolores Colburg, Superintendent of Public Instruction.

Arkansas ETV Commission, 350 South Donaghey, Conway, Arkansas 72032, File No. 490–T/T0209SC, for the establishment of a noncommercial educational television station on Channel 13, Fayetteville, AK. Proposal determined acceptable: March 4, 1974. Estimated project cost: $919,683. Grant requested: $459,842. Application signed by: Lee Reaves, Director.

Ohio Educational Television Network Commission, 2470 North Star Road, Columbus, Ohio 43221, File No. 491–T/T0214SC, for the improvement of noncommercial educational television station WBGU on Channel 57, Lima, Ohio. Proposal determined acceptable: March 21, 1974. Estimated project cost: $279,419. Grant requested: $209,565. Application signed by: Dave L. Fornshell, Executive Director.

The Public Broadcasting Council of Central New York, Inc. 506 Old Liverpool Road, Liverpool, New York 13088, File No. 492–T/T0092SC, for the expansion of noncommercial educational television station WCNY on Channel 24, Syracuse, NY. Proposal determined acceptable: March 25, 1974. Estimated project cost: $212,955. Grant requested: $159,716. Application signed by: Richard H. Thomas, President and General Manager.

University of Nebraska at Omaha, Radio/TV Department, Box 688, Downtown Station, Omaha, Nebraska 68101, File No. 493–T/T0211SC, for the improvement of noncommercial educational television station KYNE–TV on Channel 26, Omaha, NE. Proposal determined acceptable: March 25, 1974. Estimated project cost: $53,674. Grant requested: $40,256. Application signed by: Ronald Roskens, Chancellor.

State Board of Directors for Educational Television, 310 East Clark Street, Vermillion, South Dakota 57069, File No. 494–T/T0216SC, for the improvement of the noncommercial educational television network of South Dakota. Proposal determined acceptable: March 25, 1974. Estimated project cost: $595,679. Grant requested: $446,679. Application signed by: Richard Cleveland, Chairman.

EDUCATIONAL RADIO

Atlanta Board of Education, 224 Central Avenue, S.W., Atlanta, Georgia 30324, File No. 151–R/T0032SC, for the expansion of noncommercial FM radio station WABE broadcasting on 90.1 Mh/z, Atlanta, GA. Proposal determined acceptable: December 15, 1972. Estimated project cost: $85,881. Grant requested: $61,410. Application signed by: J. W. Leston, Superintendent.

Sangamon State University, Springfield, Illinois 62708, File No. 152–R/T0041SC, for the establishment of a noncommercial educational FM radio station broadcasting on 91.9 Mh/z, Springfield, IL. Proposal determined acceptable: July 3, 1973. Estimated project cost: $261,569. Grant requested: $195,950. Application signed by: Robert C. Spencer, President.

Southern Tier Educational TV Association, Inc., P.O. Box 97, Endwell, New York 13760, File No. 153–R/T0067SC, for the establishment of a noncommercial educational FM radio station broadcasting on 89.3 Mh/z, Binghamton, New York. Proposal determined acceptable: August 13, 1973. Estimated project cost: $143,068. Grant requested: $104,751. Application signed by: Phillip P. Jackson, General Manager.

Maricopa County Community College District, KMCR–FM, 524 West Washington Street, Phoenix, Arizona 85003, File No. 154–R/T0087SC, for the improvement of noncommercial educational FM radio station KMCR broadcasting on 91.5 Mh/z, Phoenix, Arizona. Proposal determined acceptable: November 30, 1973. Estimated project cost: $42,333. Grant requested: $31,750. Application signed by: A. W. Flowers, Vice President for Business Affairs.

San Antonio Community Radio Corporation, P.O. Box 6487, San Antonio, Texas 78209. File No. 155–R/T0088SC, for the establishment of a noncommercial educational FM radio station broadcasting on 89.1 Mh/z, San Antonio, Texas. Proposal determined acceptable: December 6, 1973. Estimated project cost: $104,429. Grant requested: $70,845. Application signed by: Pleasant J. McNeel, President.

Morehead State University, P.O. Box 764, Morehead, Kentucky 40351, File No. 156–R/T0101SC, for the improvement of noncommercial FM radio station WMKY broadcasting on 90.3 Mh/z, Morehead, KY. Proposal determined acceptable: December 13, 1973. Estimated project cost: $70,595. Grant requested: $52,946. Application signed by: Adron Doran, President.

Board of Trustees, Southern Illinois University, 1056 Communications Bldg, SIU, Carbondale, Illinois 62901, File No. 157–R/T0103SC, for the expansion of noncommercial FM radio station WSIU, broadcasting on 91.9 Mh/z, Carbondale, IL. Proposal determined acceptable: December 13, 1973. Estimated Project cost: $95,548. Grant requested: $71,661. Application signed by: David R. Derge, President; SIU at Carbondale.

Mohawk-Hudson Council on Educational Television, Inc., 17 Fern Street, Schenectady, New York 12306, File No. 158–R/T0183SC, for the improvement of noncommercial FM radio station WMHT, broadcasting on 89.1 Mh/z, Schenectady, New York. Proposal determined acceptable: August 13, 1973. Estimated project cost: $31,700. Grant requested: $23,775. Application signed by: Donald E. Schein, President.

Minnesota Educational Radio, Inc., 400 Sibley Street, St. Paul, Minnesota 55118, File No. 159–R/T0100SC, for the improvement of noncommercial educational radio station KCCM, broadcasting on 91.1 Mh/z, Morehead, MN. Proposal determined acceptable: December 14, 1973. Estimated project cost: $73,475. Grant requested: $55,068. Application signed by: William H. Kling, President.

University of South Dakota, Vermillion, South Dakota 57069, File No. 160–R/T-0178SC, for the expansion of noncommercial educational FM radio station KUSD, broadcasting on 89.7 Mh/z, Vermillion, SD. Proposal determined acceptable: December 14, 1973. Estimated project cost: $35,759. Grant requested: $26,759. Application signed by: Richard L. Bowen, President, University of South Dakota.

Radio Station KANU–FM, The University of Kansas, Broadcasting Hall, Lawrence, Kansas 6604-, File No. 161–R/T0064SC, for the expansion of noncommercial educational FM radio station KANU broadcasting on 91.5 Mh/z, Lawrence, Kansas. Proposal determined acceptable: December 18, 1973. Estimated project cost: $15 ,400. Grant requested: $98,550. Application signed by: Raymond Nichols, Chancellor.

Greater Toledo ETV Foundation, Inc., 415 North St. Clair, P.O. Box 2330, Toledo, Ohio 43603, File No. 162–R/T0094SC, for the establishment of a noncommercial FM radio station broadcasting on 91.3 Mh/z, Toledo, Ohio. Proposal determined acceptable: December 18, 1973. Estimated project cost: $107,273. Grant requested: $80,455. Application signed by: Mr. E. Dana Cox, Jr., Vice President and General Manager.

University of Northern Colorado, Carter Hall 201, Greeley, Colorado 80639, File No. 163–R/T0095SC, for the improvement of noncommercial educational FM radio station KUNC, broadcasting on 91.7 Mh/z, Greeley, Colorado. Proposal determined acceptable: December 18, 1973. Estimated project cost: $74,373. Grant requested: $55,780. Application signed by: Mr. Richard R. Bond, President.

Double Helix Corporation, Box 8187, Pierre Laclede Station, St. Louis, Missouri, File No. 164–R/T0113SC, for the establishment of a noncommercial FM radio station broadcasting on 88.1 Mh/z at St. Louis, MO. Project determined acceptable: December 18, 1973. Estimated project cost: $236,175. Grant requested: $177,131. Application signed by: Thomas J. Thomas, General Manager.

Pittsburgh Community Broadcasting Corp., Box 10250, Pittsburgh, Pennsylvania 15232, File No. 165–R/T0118SC, for the establishment of a noncommercial educational FM radio station broadcasting on 91.7 Mh/z, Pittsburgh, PA. Proposal determined acceptable: December 18, 1973. Estimated project cost: $117,965. Grant requested: $88,474. Application signed by: Ellory Schempp, President.

University of Massachusetts, Radio Station WFCR, Amherst, Massachusetts 01002, File No. 166–R/T0119SC, for the improvement of noncommercial FM radio station WFCR broadcasting on 88.5 Mh/z, Amherst, MA. Proposal determined acceptable: December 18, 1973. Estimated project cost: $19,-288. Grant requested: $14,466. Application signed by: Godwin G. Oyewole, General Manager.

The Library Board, Huntsville Public Library, P.O. Box 443, Huntsville, Alabama 35804, File No. 167–R/T0129SC, for the establishment of a noncommercial educational FM radio station, broadcasting on 89.3 Mh/z, Huntsville, AL. Proposal determined acceptable: December 18, 1973. Estimated project cost: $183,071. Grant requested: $137,303. Application signed by: Elbert L. Watson, Director.

University of Maine, Alumni Hall, Orono, Maine 04473, File No. 168–R/T0157SC, for the establishment of a noncommercial educational FM radio station broadcasting on 91.1 MH/z, Presque Island, Maine. Proposal determined acceptable: December 18, 1973. Estimated project cost: $193,580. Grant requested: $145,185. Application signed by: Harry W. Gordon, Treasurer.

Springfield Technical Community College, One Armory Square, Springfield, Massachusetts 01105, File No. 169–R/T0168SC, for the expansion of noncommercial educational FM radio station WTCC broadcasting on 90.7 Mh/z, Springfield, MA. Proposal determined acceptable: December 18, 1973. Estimated project cost: $79,983. Grant requested: $58,755. Application signed by: Edmond P. Garvey, President.

Northern Community Radio, Box 196, Lake Elmo, Minnesota 55042, File No. 170–R/T0130SC, for the establishment of a noncommercial educational radio station, broadcasting on 91.7 Mh/z, Grand Rapids, MN. Proposal determined acceptable: December 19, 1973. Estimated project cost: $90,000. Grant requested: $67,500. Application signed by: Richard V. McClear, President.

Board of Higher Education for the State of Oregon, Oregon Educational and Public Broadcasting Service (OEPBS), P.O. Box 3175, Eugene, Oregon 97403, File No. 171–R/T0135SC, for the expansion of noncommercial educational AM radio station KOAC broadcasting on 550 k/c, Corvallis, Oregon. Proposal determined acceptable: December 19, 1973. Estimated project cost: $88,151. Grant requested: $66,113. Application signed by: Donald R. Larson, Secretary to the Oregon State Board of Higher Education.

School Board of Dade County, Division of Instruction, Department of Educational Media, 1410 Northeast 2nd Avenue, Miami, Florida 33132, File No. 172–R/T0139SC, for the expansion of noncommercial FM radio station WLRN, broadcasting on 91.3 Mh/z, Miami, Florida. Proposal determined acceptable: December 19, 1973. Estimated project cost: $132,523. Grant requested: $99,392. Application signed by: E. L. Whigham, Superintendent of Schools.

Radio Free Georgia Broadcasting Foundation, Inc., Box 5332, Atlanta, Georgia 30307, File No. 173–R/T0144SC, for the expansion of noncommercial educational FM radio station WRFG broadcasting on 89.3 Mh/z, Atlanta, GA. Proposal determined acceptable: December 19, 1973. Estimated project cost: $23,993. Grant requested: $17,933. Application signed by: John R. Miller, President.

Northwest Jr. College, Senatobia, Mississippi 38663, File No. 174–R/T0145SC, for the expansion of noncommercial educational FM radio station WNJC broadcasting on 90.1 Mh/z, Senatobia, MS. Proposal determined acceptable: December 19, 1973. Estimated project cost: $64,330. Grant requested: $48,249. Application signed by: R. D. McLendon, President.

Board of Education, Governing Board, Long Beach Unified School District, 701 Locust Avenue, Long Beach, California 90813, File No. 175–R/T0148SC, for the improvement of noncommercial educational FM radio station KLON broadcasting on 88.1 Mh/z, Long Beach, CA. Project determined acceptable: December 19, 1973. Estimated project cost: $88,715. Grant requested: $66,536. Application signed by: Francis Laufenberg, Associate Superintendent, Business Services.

Minnesota Educational Radio, Inc., Collegeville, Minnesota 56321; File No. 176–R/T0156SC, for the improvement of noncommercial educational FM radio station KSJR broadcasting on 90.1 Mh/z, Collegeville, MN. Proposal determined acceptable: December 19, 1973. Estimated project cost: $199,460. Grant requested: $149,595. Application signed by: William H. Kling, President.

Moorpark College, 7075 Campus Road, Moorpark, California, File No. 177–R/T0158SC, for the establishment of a noncommercial FM radio station, broadcasting on 91.7 Mh/z, Moorpark, CA. Proposal determined acceptable: December 19, 1973. Estimated project cost: $84,046. Grant requested: $63,035. Application signed by: H. J. Sheffield, Superintendent.

Agape Broadcasting Foundation, Inc., 3454 Shenandoah, Dallas, Texas 75205, File No. 178–R/T0164SC, for the establishment of a noncommercial educational FM radio station, broadcasting on 90.9 Mh/z, Dallas, TX. Proposal determined acceptable: December 19, 1973. Estimated project cost: $187,766. Grant requested: $140,824. Application signed by: Dennis J. Gross, President.

Jack Straw Memorial Foundation, KBOO (FM), 3129 S.E. Belmont Street, Portland, Oregon 97214, File No. 179–R/T0089SC, for the improvement of noncommercial educational FM radio station KBOO broadcasting on 90.7 Mh/z, Portland, Oregon. Proposal determined acceptable: December 21, 1973. Estimated project cost: $80,650. Grant requested: $60,487. Application signed by: John M. Ross, Station Manager.

Worcester Inter Collegiate Network, Inc., 75 Grove Street, Worcester, Massachusetts 01605, File No. 180R/T0112SC, for the expansion of noncommercial educational FM radio station WICN, broadcasting on 90.5 Mh/z, Worcester, MA. Proposal determined acceptable: December 21, 1973. Estimated project cost: $33,088. Grant requested: $24,816. Application signed by: Keith J. Thompson, General Manager.

Community Radio Workshop, Inc., 336½ East Pettigrew Street, Durham, North Carolina 27701, File No. 181–R/T0114SC, for the improvement of noncommercial educational FM radio station WAFR broadcasting on 90.3 Mh/z, Durham, NC. Proposal determined acceptable: December 21, 1973. Estimated project cost: $80,104. Grant requested: $60,078. Application signed by: Robert E. Spruill, President.

Arizona Board of Regents for the benefit of the University of Arizona, Tucson, Arizona 85721, File No. 182–R/T0126SC, for the establishment of a noncommercial educational FM radio station broadcasting on 90.5 Mh/z, Tucson, AZ. Proposal determined acceptable: December 21, 1973. Estimated project cost: $75,000. Grant requested: $56,250. Application signed by: Sherwood E. Carr, Contracting Officer.

Community Television, Inc., 2037 Main Street, Jacksonville, Florida 32206, File No. 183–R/T0143SC, for the improvement of noncommercial educational FM radio station WJCT broadcasting on 89.9 Mh/z, Jacksonville, FL. Proposal determined acceptable: December 21, 1973. Estimated project cost: $91,550. Grant requested: $68,662. Application signed by: Fred Rebman, President.

Utah State University of Agriculture and Applied Science, KUSU–FM, Logan, Utah 84322, File No. 184–R/T0152SC, for the expansion of noncommercial educational FM radio station KUSU broadcasting on 91.5 Mh/z, Logan, UT. Proposal determined acceptable: December 21, 1973. Estimated project cost: $50,871. Grant requested: $38,154. Application signed by: M. K Jeppesen, Contracts Officer.

Sound and Print United, Inc., P.O. Box 365, Warrenton, North Carolina 27589, File No. 185–R/T0153SC, for the establishment of a noncommercial educational FM radio station, broadcasting on 89.3 Mh/z, Warrenton, NC. Proposal determined acceptable: December 21, 1973. Estimated project cost: $193,225. Grant requested: $91,850. Application signed by: Valeria L. Lee, President.

North Carolina State University, P.O. Box 5748, Raleigh, North Carolina 27607, File No. 186–R/T0203SC, for the expansion of noncommercial educational FM radio station WKNC, broadcasting on 88.1 Mh/z, Raleigh, NC. Proposal determined acceptable: December 21, 1973. Estimated project cost: $21,720. Grant requested: $16,290. Application signed by: Donald K. Byrnes, General Manager.

The Board of Regents Acting for and on Behalf of Florida State University, WFSU–FM Radio, Diffenbaugh Building, Tallahassee, Florida 32306, File No. 187–R/T0132SC, for the expansion of noncommercial educational FM radio station WFSU broadcasting on 91.5 Mh/z. Proposal determined acceptable: December 28, 1973. Estimated project cost: $92,198. Grant requested: $69,148. Application signed by: Mr. David E. Platts, Director of Radio.

Seattle School District #1, 815 Fourth Avenue, North, Seattle, Washington 98109, File No. 188–R/T0142SC, for the improvement of noncommercial educational FM radio station KNHC broadcasting on 89.5 Mh/z, Seattle, WA. Proposal determined acceptable: December 28, 1973. Estimated project cost: $39,000. Grant requested: $29,250. Application signed by: M. E. Hickey, Associate Superintendent.

Pataphysical Broadcasting Foundation, Inc., P.O Box 423, Santa Cruz, California 95061, File No. 189–R/T0162SC, for the improvement of noncommercial educational radio station KUSP, broadcasting on 88.9 Mh/z, Santa Cruz, CA. Proposal determined acceptable: December 28, 1973. Estimated project cost: $99,353. Grant requested: $74,515. Application signed by: David M. Freedman, General Manager.

Amarillo Junior College District, P.O. Box 447, Amarillo, Texas 79178, File No. 190–R/T0170SC, for the establishment of a noncommercial educational FM radio station broadcasting on 93.1 Mh/z, Amarillo, Texas. Project determined acceptable: December 28, 1973. Estimated project cost: $42,072. Grant requested: $31,554. Application signed by: W. L. Prather, Business Manager.

Board of Control, Northern Michigan University, Marquette, Michigan 49855, File No. 191–R/T0172SC, for the expansion of noncommercial educational FM radio station WNMR broadcasting on 90.1 Mh/z, Marquette, Michigan. Proposal determined acceptable: December 29, 1973. Estimated project cost: $100,000. Grant requested: $75,000. Application signed by: William G. Mitchell, Director of Learning Resources.

Granfallon Denver Educational Broadcasting, Inc., 4065 West 13th Avenue, Denver, Colorado 80204, File No. 192–R/T0175SC, for the establishment of a noncommercial FM radio station, broadcasting on 89.3 Mh/z, Denver, CO. Proposal determined acceptable: December 29, 1973. Estimated project cost: $90,795. Grant requested: $68,104. Application signed by: Gerald Greene, Executive Director.

Pacifica Foundation, KPFT–FM, 618 Prairie Street, Houston, Texas 77002, File No. 193–R/T0176SC, for the expansion of noncommercial educational FM radio station KPFT, broadcasting on 90.1 Mh/z, Houston, Texas. Proposal determined acceptable: December 29, 1973. Estimated project cost: $44,297. Grant requested: $32,-981. Application signed by: Lawrence S. Yurdin, Manager.

Chattahooche Valley Public Radio, Inc., P.O. Box 1754, Columbus, Georgia 31902, File No. 194–R/T0155SC, for the establishment of a noncommercial educational FM radio station, broadcasting on 90.5 Mh/z, Columbus, GA. Proposal determined acceptable: January 3, 1974. Estimated project cost: $42,461. Grant requested: $31,825. Application signed by: Spurgeon A. Glenn, Jr., President.

University of North Carolina at Chapel Hill, Dept. of Radio, Television, and Motion Pictures, Chapel Hill, North Carolina 27514, File No. 195–R/T0186SC, for the improvement of noncommercial educational FM radio station WUNC, broadcasting on 91.5 Mh/z, Chapel Hill, NC Proposal determined acceptable: January 29, 1974. Estimated project cost: $183,715. Grant requested: $137,786. Application signed by: William F. Little, Vice Chancellor, Development and Public Service.

Wayne State University, WDET–FM, 5035 Woodward Avenue, Detroit, Michigan 48202, File No. 196–R/T0195SC, for the improvement of noncommercial educational FM radio station WDET, broadcasting on 101.9 Mh/z, Detroit, Michigan. Proposal determined acceptable: January 30, 1974. Estimated project cost: $151,049. Grant requested: $113,287. Application signed by: Edward L. Cushman, Executive Vice President and Treasurer.

Pacifica Foundation, 3729 Cahuenga Boulevard, North Hollywood, California 91604, File No. 197–R/T0196SC, for the improvement of noncommercial educational FM radio station KPFK, broadcasting on 90.7 Mh/z, Los Angeles, CA. Proposal determined acceptable: January 30, 1974. Estimated project cost: $198,748. Grant requested: $149,061. Application signed by: Jonas Rosenfield, Jr., Vice President.

Public Communication Foundation for North Texas, 3000 Harry Hines Boulevard, Dallas, Texas 75201, File No. 198–R/T0198-SC, for the improvement of noncommercial educational FM radio station KZAG, broadcasting on 90.1 Mh/z, Dallas, TX. Proposal determined acceptable: February 1, 1974. Estimated project cost: $46,990. Grant requested: $35,243. Application signed by: Robert A. Wilson, Executive Vice President.

Kearney State College, KOVF AM/FM, 905 West 25th Street, Kearney, Nebraska 68847, File No. 199–R/T0205SC, for the improvement of noncommercial educational FM radio station KOVF, broadcasting on 91.3 Mh/z, Kearney, NE. Proposal determined acceptable: February 5, 1974. Estimated project cost: $12,265. Grant requested: $9,199. Application signed by: Gary F. Olson, Vice President of the College.

Bascomb Memorial Broadcasting Foundation, Inc., 2699 South Bayshore Drive, Suite 900E, Miami, Florida 33133, File No. 200–R/T0204SC, for the establishment of a noncommercial educational FM radio station, broadcasting on 88.9 Mh/z, Miami, FL. Proposal determined acceptable: February 11, 1974. Estimated project cost: $87,680. Grant requested: $65,760. Application signed by: Robert B. Stulberg, Editorial Director.

The Board of Trustees of the University of Alabama for the University of Alabama, P.O. Box 1247, Huntsville, Alabama 35807, File No. 201–R/T0206SC, for the establishment of a noncommercial educational FM radio station (WUAH), Huntsville, AL. Proposal determined acceptable: February 15, 1974. Estimated project cost: $71,043. Grant requested: $53,282. Application signed by: Joseph C. Dowdle, Vice President for Administration.

Madison College, Department of Communications Arts, Harrisonburg, Virginia 22801, File No. 202–R/T0133SC, for the expansion of noncommercial educational FM radio station WMRA, broadcasting on 91.7 Mh/z, Harrisonburg, Virginia. Proposal determined acceptable: March 14, 1974. Estimated project cost: $98.232. Grant requested: $73.673. Application signed by: Ronald E. Carrier, President.

(Catalog of Federal Domestic Assistance Program No. 13.413, Educational Broadcasting Facilities Program.)

This notice issued in Washington, D.C.

Dated: April 30, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74–10257 Filed 5–8–74;8:45 am]

Office of the Secretary

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended), is hereby further amended to clarify responsibilities within the Office of Planning, Research, and Evaluation. For such purposes, Section 5–B is amended as follows:

Delete, from Office of Planning, Research, and Evaluation, the heading "Office of Program Analysis and Evaluation" and all that follows under that heading; and "Office of Operational Planning and Control" and all that follows under that heading. Substitute therefor the following:

OFFICE OF PROGRAM ANALYSIS AND EVALUATION

This Office has primary responsibility for advising the Administrator and Associate Administrator for Planning, Research, and Evaluation in matters concerning the analysis and evaluation of SRS programs and their alternatives, and Research and Demonstration priorities. Provides leadership, technical assistance, guidance, and coordination to

program units in matters pertaining to program analysis and evaluation. Serves as a contact point for the Office of the Administrator with the Office of the Assistant Secretary for Planning and Evaluation. Based on the analytic program, the Office provides input in the development of the SRS long-range plan, insuring its adequacy as a basis for deriving operating and legislative planning. In this regard, the Office initiates and directs studies and analyses of program objectives and accomplishments, compares benefits and costs of alternative programs, and explores future needs in relation to planning programs. To support these activities, the Office provides leadership and direction in: (a) The development of an analytical and evaluation plan to address major program and policy issues; (b) the development of study methodologies, measures of program performance, and data to support their implementation; (c) the performance of policy and program analyses to define policy options and possible implications for use in long-range planning; and (d) contributions to the development of Research and Demonstration priorities necessary to initiate a Research and Demonstration plan and formulate Research and Demonstration budgets.

OFFICE OF PROGRAM PLANNING AND CONTROL

This Office provides leadership and direction to all elements of the Central and Regional Offices in: (1) Translating designated program priorities into specific attainable goals; (2) Developing operational objectives and plans which will advance goal attainment, and ensuring that the operational goals are based on a thorough assessment of program capabilities and are thus realistic and feasible; (3) Assuring that necessary resources are deployed to achieve objective plans; (4) evaluating the accomplishment of operational objectives; and (5) the design, development, and implementation of agencywide long-range planning systems and procedures for insuring the optimal participation of SRS organizational units in the development and update of the SRS long-range plan and its linkage to operational plans and budgets."

Dated: May 1, 1974.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-10560 Filed 5-8-74;8:45 am]

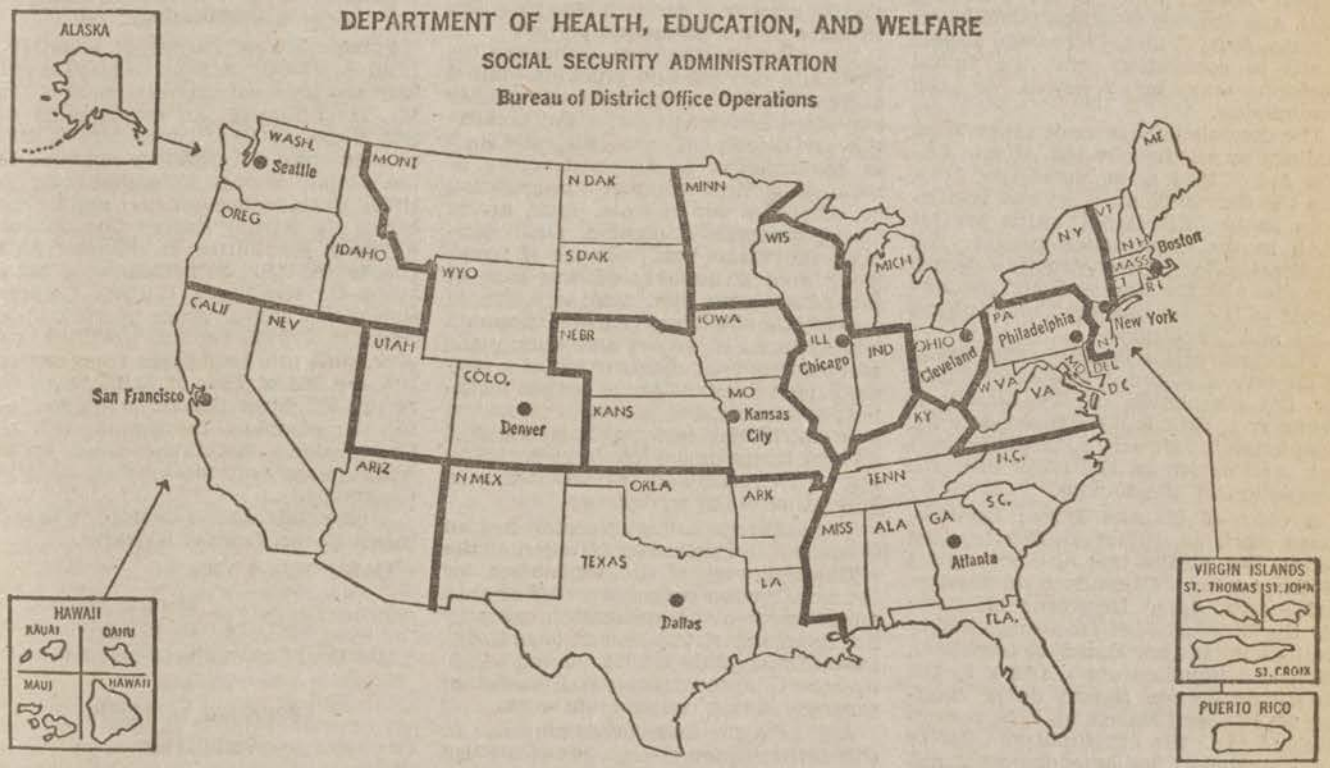
SOCIAL SECURITY ADMINISTRATION

Federal Agency—Regional Maps and Tables; Correction

In the Directory of Federal Regional Structure, published in the FEDERAL REGISTER of November 27, 1973, the map appearing at page 32718, which outlines the regional boundaries for the Bureau of District Office Operations in the Social Security Administration, should be shown as follows:

Dated: May 1, 1974.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.



[FR Doc.74-10624 Filed 5-8-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-412]

DUQUESNE LIGHT CO. ET AL.

Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated April 25, 1974, the Atomic Energy Commission (the Commission) has issued Construction Permit No. CPPR-105 to The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and The Toledo Edison Company for construction of a pressurized water nuclear reactor at the applicants' site on the south bank of the Ohio River in Beaver County, Pennsylvania. The proposed reactor, known as the Beaver Valley Power Station, Unit No. 2, is designed for a rated power of approximately 2660 megawatts thermal with a net electrical output of approximately 852 megawatts.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the construction permit. The application for the construction permit complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permit is effective as of its date of issuance. The earliest date for the completion of the facility is February 1, 1979, and the latest date for completion is February 1, 1980. The permit shall expire on the latest date for completion of the facility.

A copy of (1) the Initial Decision, dated April 25, 1974; (2) Construction Permit No. CPPR-105; (3) the report of the Advisory Committee on Reactor Safeguards, dated December 11, 1973; (4) the Directorate of Licensing's Safety Evaluation Report dated November 9, 1973, and Supplements 1 and 2 to the Safety Evaluation Report dated January 29, 1974 and March 20, 1974, respectively; (5) the Preliminary Safety Analysis Report and amendments thereto; (6) the applicants' Environmental Report dated November 6, 1972, and supplements thereto; (7) the Draft Environmental Statement dated March 1973; and (8) the Final Environmental Statement dated July 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania. A copy of the construction permit and the Safety Evaluation may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Md., this 3d day of May 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing Regulation.

[FR Doc.74-10694 Filed 5-8-74;8:45 am]

[Docket Nos. 50-416, 50-417]

MISSISSIPPI POWER & LIGHT CO. AND GRAND GULF NUCLEAR STATION

Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e)(1) of the Atomic Energy Commission's (Commission) regulations, the Commission has authorized the Mississippi Power & Light Company to conduct certain site activities in connection with the Grand Gulf Nuclear Station (Units 1 and 2) prior to a decision regarding the issuance of a construction permit.

The activities that are authorized include site clearing and grubbing limited to area needed to construct the facility and dispose of waste materials; excavation and disposal of overburden and spoil in construction area; construction of sediment control structures; preparation of subgrades for railroad spur, access roads, drainage structures, and channels; excavation and drainage of power block area structures; sealing base of excavation with mud mat; erection of construction buildings; construction and improvement of access and work roads and parking lots; construction of a railroad spur; construction of sewage facilities; construction of two water tanks and pipe distribution ssytem; construction of a 115kV transmission line from Port Gibson to the site; and construction of a fence around the work area.

The authorization is subject to certain conditions, including termination of the authorized work if the application for the construction permit is denied or if an amendment to the application concerning financing of the project is not submitted before July 1, 1974, as well as adherence to an environmental protection program during construction work.

Any activities undertaken pursuant to this authorization are entirely at the risk of the applicant, and the granting of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

An Initial Decision on National Environmental Policy Act issues by the Atomic Safety and Licensing Board in this proceeding was issued on April 5, 1974. An order on site suitability, pursuant to 10 CFR 50.10(e)(2)(ii), was issued by the Board on May 3, 1974. A copy of: (1) The Initial Decision of April 5, 1974; (2) the Board's order of May 3, 1974; (3) the applicant's Preliminary Safety Analysis Report and amendments thereto; (4) the applicant's Environmental Report, and amendments thereto; (5) the staff's Final Environmental Statement dated August 1973; (6) the staff's supplemental testimony concerning site suitability; and (7) the Commission's letter of authorization dated May 3, 1974, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and the office of the Deputy Chancery Clerk, Claiborne County Courthouse, Port Gibson, Mississippi.

Dated at Bethesda, Md. this 3rd day of May 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-10693 Filed 5-8-74;8:45 am]

MYER BENDER

Certification

Pursuant to section 205, Title 18 U.S.C. (Pub. L. 87-849, 76 Stat. 1124), I certify that the national interest requires that Mr. Myer Bender, an employee of the Oak Ridge National Laboratory (a Government-owned laboratory operated for the Atomic Energy Commission by the Union Carbide Corporation) and a member of the Atomic Energy Commission's Advisory Committee on Reactor Safeguards (ACRS), be permitted to act as agent for the Union Carbide Corporation in the performance of work under contract W-7405-ENG 26, provided, however, that this exemption from sections 203 and 205 of Title 18 U.S.C. shall not permit Mr. Myer Bender to act as agent for the company in dealing with the Commission's Regulatory Staff or the ACRS in any particular matter involving the company.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: May 3, 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-10697 Filed 5-8-74;8:45 am]

SPENCER H. BUSH

Certification

Pursuant to Section 205, Title 18 U.S.C. (Pub. L. 87-849, 76 Stat. 1124), I certify that the national interest requires that Dr. Spencer H. Bush, University of California, Berkeley, and a member of the Atomic Energy Commission's Advisory Committee on Reactor Safeguards (ACRS), be permitted to act as agent for the University in the performance of work under contract W-7405 (ENG-48) provided, however, that this exemption from sections 203 and 205 of Title 18 U.S.C. shall not permit Dr. Bush to act as agent for the University in dealing with

the Commission's Regulatory Staff or the ACRS in any particular matter involving the University.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: May 3, 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-10700 Filed 5-8-74;8:45 am]

WILLIAM KERR

Certification

Pursuant to section 205, Title 18 U.S.C. (Pub. L. 87-849, 76 Stat. 1124), I certify that the national interest requires that Dr. William Kerr, Chairman, Department of Nuclear Engineering, University of Michigan, and a member of the Atomic Energy Commission's Advisory Committee on Reactor Safeguards (ACRS), be permitted to act as agent for the University in the performance of work under contracts AT-(11-1)-385, AT-(11-1)-2117, AT-(40-1)-4164, and AT-(11-1)-2259, provided, however, that this exemption from sections 203 and 205 of Title 18 U.S.C. shall not permit Dr. Kerr to act as agent for the University in dealing with the Commission's Regulatory Staff or the ACRS in any particular matter involving the University.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: May 3, 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-10698 Filed 5-8-74;8:45 am]

EDWARD A. MASON

Certification

Pursuant to Section 205, Title 18 U.S.C. (Pub. L. 87-849, 76 Stat. 1124), I certify that the national interest requires that Dr. Edward A. Mason, Head of the Department of Nuclear Engineering, Massachusetts Institute of Technology, and a member of the Atomic Energy Commission's Advisory Committee on Reactor Safeguards (ACRS), be permitted to act as agent for the Massachusetts Institute of Technology in the performance of work under contracts AT-(11-1)-3340, AT-(11-1)-3335, AT-(40-1)-4163, and AT-(11-1)-2225, provided, however, that this exemption from sections 203 and 205 of Title 18 U.S.C. shall not permit Dr. Mason to act as agent for the Massachusetts Institute of Technology in dealing with the Commission's Regulatory Staff or the ACRS in any particular matter involving MIT.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: May 3, 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-10699 Filed 5-8-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26245]

AMERICAN AIRLINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Hearing Regarding Route Exchange Agreement

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 5, 1974, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served on February 21, 1974, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 6, 1974.

[SEAL] WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.74-10715 Filed 5-8-74;8:45 am]

[Docket No. 26560 and 26563; Order 74-5-20]

PAN AMERICAN WORLD AIRWAYS, INC., AND TRANS WORLD AIRLINES, INC.

Order Granting Extension of Time To File Answers

MAY 6, 1974.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., the 6th day of May 1974.

On April 3, 1974, Pan American World Airways, Inc., and Trans World Airlines, Inc., petitioned the Board for subsidy under section 406(b) of the Federal Aviation Act of 1958. By a motion filed April 23, 1974, the Department of Transportation (DOT) requests a 45-day extension of time for filing answers to these petitions to allow completion of its analysis and preparation of an answer.

In its motion DOT indicates that the issue of whether to provide subsidy for U.S. International carriers is a complicated matter and requires careful study. They note that time is needed to analyze current economic data and to study potential effects of proposed pooling arrangements. Furthermore, they want time to evaluate recently modified rules of the Federal Energy Office which give international carriers access to lower-priced domestic fuels. The Department of Transportation also wants time to examine carrier forecasts recently submitted in the Transatlantic Route Renewal Case in Docket 25908.

The reasons for delay put forward by DOT indicate an intent to consider matters that are evidentiary in nature in preparing its answer. However, answers to mail-rate petitions are intended to provide a vehicle for stating positions on the legal sufficiency of and expressions of initial views on the petitions. The Board cannot consider evidentiary material at this point since the only issue before it is whether to set down the matters for hearings or otherwise dispose of the petitions.

Because of the importance of these cases and the complexity of issues involved we will grant, as requested, an extension of time to file proper answers. However we will limit the extension to 21 days rather than 45 days. Since an answer need not be based on examination of evidence, this should provide ample time in which to prepare an answer.

Accordingly, it is ordered, That:

1. Pursuant to Rule 17 of the Board's rules of practice, the motion of the Department of Transportation is hereby granted, in part, and the due date for filing of answers to petitions in Dockets 26560 and 26563 is hereby extended to May 14, 1974.

2. This order shall be served upon all parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-10716 Filed 5-8-74;8:45 am]

[Docket No. 26065]

E. ANDREW DEEDS, II

Notice of Proposed Approval

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until May 20, 1974 within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 6, 1974.

[SEAL] WILLIAM B. CALDWELL, Jr.,
Director, Bureau of Operating Rights.

[Docket No. 26065]

Issued under delegated authority.

Application of E. Andrew Deeds, II, pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Order of approval.

E. Andrew Deeds, II requests that the Board approve, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act) or grant other appropriate relief with respect to his ownership of Nordleasco, Ltd. while he controls Air North, Inc.[1]

Air North is a non-certificated commuter air taxi operator providing services in the New England-New York area and is a contractor to both Allegheny Airlines, Inc. and

[1] Mr. Deeds also owns 11% of the stock of ANA, Ltd., a fixed-base operator at Burlington, Vermont International Airport.

Delta Airlines, Inc. for the purpose of serving various certificated points on those carriers' routes under arrangements which have been approved by the Board.[2] Mr. Deeds is Chairman of the Board, President, and sole stockholder of Air North.

Nordleasco was incorporated in September 1973 and is currently a corporate shell. Mr. Deeds is president and owns all of its stock. When actuated Nordleasco will be engaged in the purchase, sale and lease of aircraft, primarily the Nord 262 and possibly its follow-on version, to be known as the Fregate, and will establish a maintenance and overhaul base at Burlington, Vermont to provide support for Nord aircraft operated in the United States, Canada, the Caribbean and Mexico. The application states that aircraft will be acquired outside the U.S. and that a conditional contract has been entered into by Nordleasco with a Danish operator for the purchase of eight Nord 262's. Nordleasco is also in the process of negotiating a distributorship agreement with Societe Nationale Industriale Aerospatiale, the French manufacturer of the Nord, under which Nordleasco would become an authorized repair center, would provide spare parts and technical support, and would act as sales agent for the Nord and the Fregate, should the latter be certificated for use in the U.S.[3]

The applicant asserts that the common control of Air North and Nordleasco raises no conflicts of interest or other problems inconsistent with the Act; and that there could be no anti-competitive effect on other commuter carriers since the Nord aircraft is available in some quantity (97 were built) and other arrangements have been or are being made to insure their availability.[4] Thus the applicant further submits that the Air North-Nordleasco relationships would not create a monopoly, restrain competition or otherwise jeopardize another air carrier.

Additionally, the applicant asserts that, insofar as transactions between Air North and Nordleasco are concerned, they will be at arms-length and any purchases or leases will be at prevailing terms;[5] that all intercompany transactions will be available for Board scrutiny if desired and that Air North will suffer no disadvantage as a result of Mr. Deed's common control. The application notes also that, if Air North were the acquiring party, the exemption from section 408 provided by Part 298 of the Board's Economic Regulations would apply.

No comments concerning the matter or requests for a hearing have been received.

[2] See Order 73-6-60, June 15, 1973 and cases cited therein.

[3] The applicant states the view that none of these agreements are subject to section 412 of the Act.

[4] See Allegheny Airlines, Inc. et al., Docket 25988.

[5] Mr. Deeds contends that, in view of his 100 percent ownership of both Air North and Nordleasco, it would be unreasonable to assume that Air North would be forced to accept or be overcharged for Nord aircraft and that any incentive in this direction would be reduced when he sells part interest in Nordleasco as he plans to do.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than one day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing it is concluded that Mr. Deeds is a person controlling an air carrier and that Nordleasco is a person engaged in a phase of aeronautics within the meaning of section 408 of the Act and that the transaction described herein is subject to section 408(a)(6). However the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and thereby tend to restrain competition, nor does it appear to jeopardize another air carrier not a party thereto. Furthermore no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The Board has previously approved the control by persons controlling an air carrier, of aircraft maintenance and leasing activities.[6] Under the circumstances it does not appear that the instant transaction will be inconsistent with the public interest or that the requirements of section 408 will be otherwise unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.13 it is found that the foregoing acquisition should be approved without a hearing under the third proviso of section 408(b) of the Act.

Accordingly, it is ordered, That:

The acquisition of Nordleasco by Mr. Deeds be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-10722 Filed 5-8-74;8:45 am]

[6] Order 73-10-43, October 12, 1973, Docket 25906, Arthur C. Allyn et al.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

MAY 6, 1974.

On October 1, 1973, there was published in the FEDERAL REGISTER (38 FR 27235) a letter dated September 26, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China which establish export limitations on man-made fiber textile products in Category 224, among other categories, produced or manufactured in the Republic of China and exported to the United States during the twelve-month period which began on October 1, 1973. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 12(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, which provides for administrative arrangements.

Accordingly, pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of May 6, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the present sublimit for certain man-made fiber textile products in Category 224 to provide sublimits of 200,000 pounds for men's knit suits (T.S.U.S.A. Nos. 380.0420 and 380.8143); and 600,000 pounds for men's knit suit-type coats (T.S.U.S.A. Nos. 380.0402 and 380.8103) for the agreement year which began on October 1, 1973 and extends through September 30, 1974.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MAY 6, 1974.

DEAR MR. COMMISSIONER: On September 26, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1973 of wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of China, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.

Pursuant to paragraph 12(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the sublimit established in the aforesaid directive of September 26, 1973, for man-made fiber textile products in Category 224 as follows:

[1] The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; for limited interfiber flexibility between cotton textiles and man-made fiber textile products of the comparable category; and for administrative arrangements.

Category	Twelve-month level of restraint
224	8,589,744 pounds (of which not more than 200,000 pounds shall be in T.S.U.S.A. Nos. 380.0420 and 380.8143, and not more than 600,000 pounds shall be in T.S.U.S.A. Nos. 380.0402 and 380.8103)[2]

[2]The amended sublimits have not been adjusted to reflect any entries made on or after October 1, 1973.

The actions taken with respect to the Government of the Republic of China and with respect to imports of man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-10794 Filed 5-8-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

CYANOACRYLATE-BASED ADHESIVES

Commision Decision Regarding Cyanoacrylate-Based Adhesives

The purpose of this notice is to announce the Commission's decision in regard to the action it will take concerning cyanoacrylate based adhesives used in or around the household. In response to a letter dated September 19, 1973, from Consumers Union, the Consumer Product Safety Commission began an investigation into the safety aspects of cyanoacrylate based adhesives.

Staff information based on testing indicated that cyanoacrylate glues are "hazardous substances" within the meaning of that term under the Federal Hazardous Substances Act because they are eye irritants. As such, these glues are deemed "misbranded" under the Act unless properly labeled. As a result of the Commission's investigation, the Commission staff discovered that several cyanoacrylate adhesive products were "misbranded" under the Federal Hazardous Susbtances Act because they were not properly labeled in regard to eye irritancy. The Commission has taken appropriate measures pursuant to the Federal Hazardous Substances Act to ensure compliance with the Federal Hazardous Substances Act in this regard.

On February 27, 1974, the Commission held a hearing to obtain information and views on other safety aspects of cyanoacrylate adhesives, particularly the characteristic of this product to almost instantaneously bond skin to skin. As a result of these hearings, investigation by the Commission staff, laboratory data, and literature relating to the safety and use of cyanoacrylate adhesives, the Commission concludes that, at this time, the consumer is not subject to an unreasonable risk of injury from the fast-bonding characteristic of cyanoacrylate adhesives.

In the event that a consumer accidentally (or intentionally) bonds skin to skin, simple procedures such as peeling (rolling) apart the bonded parts rather than pulling apart with a direct opposing action will provide relief. Accordingly, other than insuring compliance with the labeling provision of the Federal Hazardous Substances Act, the Commission does not intend to take further action with regard to cyanoacrylate adhesives at this time.

This decision does not, however, preclude the Commission from reconsidering its position if the receipt of additional data or information should so warrant.

Dated: May 6, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-10746 Filed 5-8-74;8:45 am]

VINYL CHLORIDE-CONTAINING SELF-PRESSURIZED PRODUCTS

Requirement for Notification as a Potential Substantial Product Hazard

The purpose of this publication is to give notice that the Consumer Product Safety Commission has determined that self-pressurized consumer products containing vinyl chloride as a propellant or ingredient are products with a defect which could create a substantial product hazard. Therefore, anyone who is manufacturing, or has manufactured, such products is required to submit certain information (specified below) to this Commission.

Section 15(b) of the Consumer Product Safety Act (15 U.S.C. 2064(b)) requires every manufacturer of a consumer product distributed in commerce, and every distributor and retailer of such product, who obtains information which reasonably supports the conclusion that such product contains a defect which could create a substantial product hazard, to immediately inform the Commission of such defect, unless such manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of such defect. Failure to furnish information required by section 15(b) is unlawful under section 19(a)(4) of the act (15 U.S.C. 2068(a)(4)) and may subject a person who so fails to civil and/or criminal penalties.

To implement section 15(b) of the act, the Commission, on February 19, 1974, published regulations (16 CFR Part 1115) in the FEDERAL REGISTER (39 FR 6061), effective March 21, 1974, setting forth the time, manner, and content of notifications necessary to adequately inform the Commission of consumer product defects which could create a substantial risk of injury. The preamble of this Part 1115 indicates that the notification requirements under section 15(b) of the act are applicable to products subject to regulation under authority of the acts transferred to the Commission by section 30 of the Consumer Product Safety Act (15 U.S.C. 2079). These transferred acts include the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), and the Refrigerator Safety Act (15 U.S.C. 1211 et seq.). The aforementioned transferred acts have been brought under the notification requirements of section 15(b) of the Consumer Product Safety Act because, as stated in the preamble to Part 1115: "Upon considering the numerous possibilities of risk to the consuming public by products falling within the authority of these acts, the Commission finds under section 30(d) of the [Consumer Product Safety] Act that such risks can neither be eliminated nor reduced to a sufficient extent in a timely fashion unless the Commission is notified under section 15(b) of the act. This finding by the Commission is based on the fact that none of the provisions of the transferred acts require notification to be made to the Commission upon the obtaining of information which reasonably supports the existence of a substantial product hazard. The Commission has determined this type of notification to be essential for the purpose of protecting the consuming public against unreasonable risks of injury associated with consumer products * * *"

Therefore, the Commission has determined that notifications must be made for vinyl chloride-containing products irrespective of the fact that such products are subject to regulation under the Federal Hazardous Substances Act. This determination, however, does not mean that such products will necessarily be regulated under the Consumer Product Safety Act. Since a notification under section 15(b) does not signify automatic regulation of the product under the Consumer Product Safety Act, the Commission intends to regulate vinyl chloride-containing products under provisions of the Federal Hazardous Substances Act.

Additionally, the Commission notes that manufacturers of vinyl chloride-containing consumer products in aerosol form must provide the information specified below even though the particular product may not have been distributed in commerce after May 14, 1973 (the date of establishment of the Consumer Product Safety Commission). As stated in the preamble to 16 CFR Part 1115, manufacturers who obtain information after May 14, 1973, that one of their products contains a defect which could create a substantial product hazard, are required to comply with the notification requirements of section 15(b) of the act even though the product was distributed in commerce prior to May 14, 1973.

The determination that self-pressurized consumer products containing vinyl chloride contain a defect which could create a substantial product hazard is based on recent information on the possible toxicity of vinyl chloride monomer as a propellant or ingredient in the propellant-solvent system of self-pressurized consumer products. The grounds for this determination are as follows:

(1) Human data showing production of angiosarcomas in certain individuals who have worked in plants manufacturing polyvinyl chloride polymers and/or vinyl chloride monomer; and

(2) Animal data showing production of various tumors, including angiosarcomas, in rats exposed to inhalation of vinyl chloride monomer (Professor Cesare Maltoni, Instituto di Oncologica, Bologna, Italy).

These data are contained in the transcript of an "Informal Fact Finding Hearing on Possible Hazards of Vinyl Chloride Manufacture and Use", U.S. Department of Labor, Occupational Safety and Health Administration, February 15, 1974. A copy of this document is available for public inspection at the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207.

The Commission has received a petition from the Health Research Group "to immediately prohibit the continued use of vinyl chloride as a propellant for aerosolized consumer products and to remove all products containing vinyl chloride as a propellant from the market because there is substantial evidence that vinyl chloride is carcinogenic." A notice proposing a ban under the Federal Hazardous Substances Act will be published in the near future and will include a copy of the petition.

Accordingly, the Consumer Product Safety Commission, pursuant to section 6(c) of the Consumer Product Safety Act (15 U.S.C. 2055(c)), hereby informs manufacturers of self-pressurized consumer products containing vinyl chloride monomer as a propellant or ingredient in their propellant-solvent system that the Commission considers such products to contain a defect which could create a substantial product hazard.

Although 16 CFR 1115.7(a) sets forth 23 specific items of information to be submitted in writing to the Commission, this notice, pursuant to § 1115.7(d), requires that information submitted to the Commission in this instance include only the 7 items listed below. Additional information may, of course, also be submitted. Therefore, manufacturers of consumer products (as that term is defined in section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)) in self-pressurized form that contain vinyl chloride monomer as a propellant or ingredient in their propellant-solvent system are required, under section 15(b) of the Consumer Product Safety Act (15 U.S.C. 2064(b)) and regulations issued thereunder (16 CFR Part 1115), to provide the following information in writing to Dr. Alan Ehrlich, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (301 496–7698) on or before May 20, 1974.

(1) Identification of specific self-pressurized products by type and brand, in which vinyl chloride monomer is now, or has been, used as a propellant or ingredient of the propellant-solvent system;

(2) Production and sales history including inventory turnover rates through the entire chain of distribution of vinyl chloride monomer as a propellant or ingredient of the propellant-solvent system of self-pressurized products;

(3) Identifying features, such as use of package designs or production codes that will identify the self-pressurized products containing vinyl chloride monomer as a propellant or ingredient in the propellant-solvent system;

(4) Patterns of consumer usage for self-pressurized products containing vinyl chloride monomer as a propellant or ingredient in the propellant-solvent system, including frequency and duration of exposure, and place and purpose of use;

(5) If available, acute and chronic toxicity data relative to vinyl chloride and products containing vinyl chloride;

(6) If available, human experience data relative to vinyl chloride and products containing vinyl chloride, including adverse effects and associated disease entities believed to be relevant;

(7) If available, special studies, such as metabolic, mutagenic and teratologic studies involving vinyl chloride.

In accordance with 16 CFR 1115.9, information submitted to the Commission in response to this notice shall be signed either by the chief executive officer of the notifying company or by the person to whom the responsibility has been delegated in writing.

Dated: May 6, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-10732 Filed 5-8-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/55]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before July 8, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this July 8, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 33861-E. AGRI-future Company, 15708 Lop Road, Burnsville, Minnesota 55337. *"Sowmatic" I Seed Box Seed Protectant.* Active Ingredients: Maneb (Manganese ethylenebisdithiocarbamate) 40.0%; HCB (Hexachlorobenzene) 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33861-R. AGRI-future Company, 15708 Loop Road, Burnsville, Minnesota 55337. *"Sowmatic" II Seed Box Seed Protectant.* Active Ingredients: Captan N[(trichloromethyl)thio]-4-cyclohexene-1, 2-dicarboximide 20.0%; Maneb (Manganese ethylenebisdithiocarbamate 20.0%; Lindane (Gamma isomer of Benzene Hexachloride) 18.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 264-267. Amchem Products, Inc., Brookside Avenue, Ambler, Pennsylvania 19002. *Amchem Ethrel Plant Regulator.* Active Ingredients: Ethephon [(2-chloroethyl) phosphonic acid] 21.3%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 3876-RNO. Betz Entec. Inc., 4636 Somerton Road, Trenose, Pennsylvania 19047. *Betz Entec 344.* Active Ingredients: Sodium dimethyl dithiocarbamate 15.0%; Nabam (disodium ethylene bisdithiocarbamate) 15.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33660-R. Miss Rose Caputo, 229 Park Avenue South, New York, New York 10003. Authorized agent for I.PI.CI.—Industria Prodotti Chimici S.p.A. NOVATE MILANESE—ITALY. *Atrazine Technical.* Active Ingredients: 2-chloro-4-ethylamino-6-isopropylamino - s - triazine 96%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33660–G. Miss Rose Caputo, 229 Park Avenue South, New York, New York 10003. Authorized agent for I.PI.CI.—Industria Prodotti Chimici S.p.A. NOVATE MILANESE—ITALY *Trifluralin Technical*. Active Ingredients: a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine 97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33660–L. Miss Rose Caputo, 229 Park Avenue South, New York, New York 10003. Authorized agent for I.PI.CI.—Industria Prodotti Chimici S.p.A. NOVATE MILANESE—ITALY. *Prometryne Technical*. Active Ingredients: 2,4-bis(isopropylamino) - 6 - methylthio - s - triazine 97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33660–I. Miss Rose Caputo, 229 Park Avenue South, New York, New York 10003. Authorized agent for I.PI.CI.—Industria Prodotti Chimici S.p.A. NOVATE MILANESE—ITALY. *Ametryne Technical*. Active Ingredients: 2-ethylamino-4-isopropylamino-6-methylthio-s-triazine 97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 239–EUEE. Chevron Chemical Company, Ortho Division, 940 Hensley Street, Richmond, California 94804. *Paraquat CL Concentrate*. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30946–E. Eagle River Chemical Company, P.O. Box 2648, West Helena, Arkansas 72390. *Eagle River Propanil 3 Herbicide*. Active Ingredients: 3',4'-Dichloropropionanilide 35.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1871–IA. Farmcraft, Inc., 8900 S.W. Commercial Street, Tigard, Oregon 97223. *Farmcraft Dust Captan 5*. Active Ingredients: Captan N(Trichloromethylmercapto) - 4-cyclohexene - 1,2-dicarboximide 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1871–IA. Farmcraft, Inc., 8900 S.W. Commercial Street, Tigard, Oregon 97223. *Farmcraft Dust Captan 7.5*. Active Ingredients: Captan-N-Trichloromethylmercapto - 4 - cyclohexene - 1,2-dicarboximide 7.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 869–RUI. Green Light Company, P.O. Box 16192, San Antonio, Texas 78246. *Green Light General Purpose Fungicide Liquid Flowable Spray*. Active Ingredients: Manganese 4.60%; Zinc 0.57%; Ethylene bisdithiocarbamate ion 17.83%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 869–RUT. Green Light Company, P.O. Box 16192, San Antonio, Texas 78246. *Green Light Tomato Bloom Spray*. Active Ingredients: p-Chlorophenoxyacetic Acid 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 407–GAL. Imperial Inc., P.O. Box 423, Shenandoah, Iowa 51601. *Imperial No. 4 Low Volatile 2,4,5–T Brush and Weed Killer*. Active Ingredients: 2,4,5-Trichlorophenoxyacetic Acid, Butoxy Propyl Esters 68.9%. Method of Support: Application proceeds under 2(c) interim policy.

EPA File Symbol 407–GAA. Imperial Inc., P.O. Box 423, Shenandoah, Iowa 51601. *Imperial No. 2+2 Low Volatile Brush and Weed Killer*. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Butoxy Propyl Esters 36.3%; 2,4,5-Trichlorophenoxyacetic Acid, Butoxy Propyl Esters 34.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31970–RN. Haynes Chemical Company, P.O. Box 30, East Grand Forks, Minnesota 56721. *Hextan (Fungicide)*. Active Ingredients: Captan 40.0%; Hexachlorobenzene 20.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31970–RG. Haynes Chemical Company, P.O. Box 30, East Grand Forks, Minnesota 56721. *Tacker 5.7*. Active Ingredients: Captan 7.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31970–RR. Haynes Chemical Company, P.O. Box 30, East Grand Forks, Minnesota 56721. *80 Cap W.P.* Active Ingredients: Captan 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31970–RU. Haynes Chemical Company, P.O. Box 30, East Grand Forks, Minnesota 56721. *50 Cap W.P.* Active Ingredients: Captan 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31970–RE. Haynes Chemical Company, P.O. Box 30, East Grand Forks, Minnesota 56721. *Stop Mold Plus*. Active Ingredients: Food Grade Propionic Acid 99.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 10163–7. Jessen & Company, DBA/The Dune Company, P.O. Box 406, Calipatria, California 92233. *Prokil Methyl Parathion 5*. Active Ingredients: (O,O-dimethyl O-p-nitrophenyl thiophosphate) Methyl Parathion 55.37%; Aromatic petroleum derivatives 39.53%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2342–756. Kerr-McGee Chemical Corp. Kerr-McGee Center, Oklahoma City, Oklahoma 73125. *Gro-Tone Copper Spray*. Active Ingredients: Copper expressed as Metallic 46.25%. Method of Support: Application proceeds under 2(c) of iterim policy.

EPA Reg. No. 1148–8. Leffingwell Chemical Company Division, Thompson-Hayward Chemical Co., 111 S. Berry Street, Brea, California 92621. *Nutra-Spray Basic Copper Carbonate*. Active Ingredients: Copper (expressed as metallic) 51.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1021–RGRT. McLaughlin Gormley King Company, 8810 Tenth Avenue N., Minneapolis, Minnesota 55427. *Pyrocide Intermediate 7208*. Active Ingredients: Pyrethrins 2.0%; Piperonyl butoxide, technical 16.0%; Di-n-propyl isocinchomeronate 16.0%; Petroleum distillate 66.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1021–RGRA. McLaughlin Gormley King Company, 8810 Tenth Avenue N., Minneapolis, Minnesota 55427. *Pyrocide Intermediate 5770*. Active Ingredients: Pyrethrins 10.000%; Piperonyl butoxide, technical 20.000%; N-octyl bicycloheptene dicarboximide 30.000%; Petroleum distillate 40.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1258–915. Olin Corp., Agricultural Division, P.O. Box 991, Little Rock, Arkansas 72203. *Olin Mildew Rid*. Active Ingredients: Calcium Hypochlorite 32%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 538–77. O. M. Scott & Sons, Marysville, Ohio 43040. (*Scotts*) *Halts Plus Crabgrass Prevenier Plus Lawn Fertilizer*. Active Ingredients: S-(O,O-Diisopropyl phosphorodithioate) ester of N-(2-Mercaptoethyl) benzenesulfonamide 5.10%; 2,4-Dichlorophenoxyacetic acid 0.76%; 2-(2-Methyl-4-chlorophenoxy) propionic acid 0.76%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 538–37. O. M. Scott & Sons, Marysville, Ohio 43040. (*Scotts*) *ProTurf Brand 28–0–7 Fertilizer with Weedgrass Preventer*. Active Ingredients: S-(O,O-Diisopropyl phosphorodithioate) ester of N-(2-Mercaptoethyl) benezenesulfonamide 7.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11682–RL. Sim-Chem, Minerals and Chemicals Division, J.R. Simplot Company, P.O. Box 810, Mountain Home, Idaho 83647. *Sim-Chem P.S.T. 6 Potato Seed Treater*. Active Ingredients: Maneb (Manganese ethylenebisdithiocarbamate) 6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 476–581. Stauffer Chemical Company, 1200 South 47th Street, Richmond, California 94804. *Captan 50–WP A Fungicide for Plant Disease Control*. Active Ingredients: Captan:N-((trichloromethyl) thio)-4-cyclohexene - 1,2 - dicarboximide 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 11687–68. Transvaal, Inc., P.O. Box 69, Marshall Road, Jacksonville, Arkansas 72076. *Transvaal Copoloid-6 Liquid Copper Fungicide*. Active Ingredients: Copper expressed as metallic 6.0%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 876-ENU. Velsicol Chemical Coporation, 341 East Ohio Street, Chicago, Illinois 60611. *Velsicol Brush Buster III Herbicide*. Active Ingredients: Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 12.78%; Dimethylamine salts of related acids 1.72%; Dimethylamine salt of 2,4-dichloro-phenoxyacetic acid 12.78%; Dimethylamine salt of 2,4,5-trichlorophenoxyacetic acid 12.68%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 876-ENL. Velsicol Chemical Corporation, 341 East Ohio Street, Chicago, Illinois 60611. *Velsicol Brush Buster Herbicide*. Active Ingredients: Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 12.90%; Dimethylamine salts of related acids 1.80%; Dimethylamine salt of 2,4-dicholoro-phenoxyacetic acid 25.80% Method of Support: Application proceeds under 2(b) of interim policy.

Dated: May 2, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–10593 Filed 5–8–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE, PANEL 2

Notice of Meeting

MAY 3, 1974.

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the CTAC Panel 2 Committee on May 30, 1974, to be held at the Jerrold Electronics Corporation, 200 Witmer Road, Horsham, Pennsylvania. The time of the meeting is 10 a.m.

Jerrold is located north of Philadelphia, north of the Pennsylvania Turnpike, near Willow Grove.

DIRECTIONS

From Washington: Take Allegheny Airlines Commuter to North Philadelphia Airport.

From Philadelphia International Airport: Take a limousine to the George Washington Motel in Willow Grove. (Travel time about one hour.)

Upon arrival at either North Philadelphia Airport or George Washington Motel, call Ken Simons' office for transportation to Jerrold, (215) 674-4800.

The agenda is as follows:

(1) Laboratory demonstration of nominal zero beat interference and discussion of measurement techniques required for the Panel 3 experiments.

(2) Report on technical facilities for preparing video tapes for the experiments.

(3) Report on personnel to carry on the experiments.

(4) Further consideration of text conditions.

(5) Recommendations to the Steering Committee.

Any member of the public may attend or may file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. Cort Wilson, FCC, 1919 M Street NW., Washington, D.C. 20554—(202) 632-9797.

Dated: April 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-10731 Filed 5-8-74;8:45 am]

FEDERAL MARITIME COMMISSION

MARYLAND PORT ADMINISTRATION AND MAHER TERMINALS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 29, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Eldered N. Bell, Jr.
Director of Transportation
Maryland Department of Transportation
19 South Charles Street
Baltimore, Maryland 21201

Agreement No. T-2947, between the Maryland Port Administration (MPA), and Maher Terminals, Inc. (Maher), provides for a month-to-month lease of certain facilities at Dundalk, Maryland, including 50,000 square feet of floor space in Shed 2, 25,000 square feet of floor space in Shed 6, and approximately 4 acres of paved outside storage area. Maher shall have exclusive control over the scheduling of vessels at Berth 2, with MPA retaining secondary rights to the use of the berth. As an incident to Maher's lease of space at Shed 6, MPA will grant requests by Maher to berth vessels of the Baltic Shipping Co. (Baltic) at Berth 6, provided such berth is not already occupied or programmed for occupation during the period requested by Maher. The space in Shed 6 is to be used exclusively for Baltic cargo only, unless MPA grants its approval for some other use. Maher will publish its own tariff and collect for its own account all terminal charges incurred by vessels at Berth 2, with the exception that charges collected on any vessel assigned to the berth by MPA shall accrue to MPA unless such cargo is placed within Maher's leased premises. Whenever, a Maher vessel is assigned a berth other than Berth 2 and there is no other vessel at Berth 2, Maher will collect all amounts due under MPA's tariff. Whenever a Maher vessel is assigned a berth other than Berth 2 and there is another Maher vessel berthed at Berth 2, Maher will collect wharfage due under MPA's tariff. In both instances, for Maher to receive the tariff charges, the cargo discharged from the vessel must be placed within Maher's leased facility or loaded on the vessel from Maher's premises. As rental, Maher will pay MPA a monthly fee of $18,750.00 plus all taxes and assessments arising out of its operations as well as all taxes on improvements placed on premises by Maher.

Dated: May 6, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-10711 Filed 5-8-74;8:45 am]

NEW YORK FREIGHT BUREAU (HONG KONG)

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, on or before May 20, 1974. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, NW
Washington, D.C. 20036

Agreement No. 5700 DR-4 is an application on behalf of the member lines of the New York Freight Bureau (Hong Kong), for permission under Section 14b to modify Article 1(c) of the approval dual rate system and form of contract of that conference to incorporate the following provision:

; provided, so long as the Bureau remains a party to Agreement No. 10,108, the Merchant will not be deemed in violation of this contract for undertaking to ship or cause to be shipped any of its ocean shipments moving from Hong Kong and Taiwan to Atlantic and Gulf Coast Ports of the United States on vessels of the Independent Line parties to the said Agreement.

Agreement No. 10108 is a rate making arrangement of the member lines of the New York Freight Bureau (Hong Kong), as one party only, with American Export Line, Orient Overseas Line, Orient Overseas Container Line and Zim Container Line, Inc., four independent carriers, within the trading area of that conference.

Dated: May 6, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-10712 Filed 5-8-74;8:45 am]

NEW YORK FREIGHT BUREAU (HONG KONG)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 20, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 5700–20, entered into by the member lines of the New York Freight Bureau (Hong Kong), amends Article 11 of the conference agreement to incorporate substantive changes in the approved conference self-policing system as set forth in said amendatory agreement.

Dated: May 6, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10709 Filed 5–8–74;8:45 am]

PACIFIC FAR EAST LINE, INC. AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 29, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

W. H. Williams, Vice President
American President Lines
1625 Eye Street, N.W. Suite 1012
Washington, D.C. 20006

Agreement No. T–2941, between Pacific Far East Line, Inc. (PFEL) and American President Lines, Ltd. (APL) provides for certain terms, conditions and understandings between PFEL and APL in connection with the joint-use lease agreement between the San Francisco Port Commission, PFEL, and APL, and known as Federal Maritime Commission Agreement No. T–2297 as amended. The purpose of Agreement No. T–2941 is to enable APL to utilize portions of Pier 96. APL agrees to pay PFEL certain monies in addition to that provided for in Agreement No. T–2297 and pursuant to the terms of PFEL's Container Terminal and Container Freight Station tariff. In addition, proviso is made for the apportionment of rent payments between the parties based, in part, on respective traffic volumes under T–2297–1.

Dated: May 6, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10705 Filed 5–8–74;8:45 am]

SAN FRANCISCO PORT COMMISSION, ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 29, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or deteriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Richard A. Bobier, Chief Counsel
Port of San Francisco
Ferry Building
San Francisco, California 94111

Agreement No. T–2297–1, between the San Francisco Port Commission (Port), Pacific Far East Line, Inc. (PFEL) and American President Lines (APL), modifies the basic agreement between the Port and PFEL which provides for the 50-year lease of premises known as Pier 96. The premises will continue to be used for the docking and servicing of vessels, particularly LASH vessels and containerized vessels, and the transfer, etc., of cargo and passengers in connection therewith. The purpose of the modification is to (1) permit joint use of Pier 96 by both PFEL and APL; (2) increase the rental accordingly; and (3) apportion expenses of parts of the terminal between PFEL and APL.

Dated: May 6, 1974.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10707 Filed 5–8–74;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New

York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 20, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, NW
Washington, D.C. 20036

Agreement No. 14–40, entered into by the member lines of the Trans-Pacific Freight Conference (Hong Kong), amends Article 11 of the conference agreement to incorporate substantive changes in the approved conference self-policing system as set forth in said amendatory agreement.

Dated: May 6, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10710 Filed 5–8–74;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, on or before May 20, 1974. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, NW.
Washington, D.C. 20036

Agreement No. 14 DR–5 is an application on behalf of the member lines of the Trans-Pacific Freight Conference (Hong Kong), for permission under Section 14b to modify Article 1(c) of the approved dual rate system and form of contract of that conference to incorporate the following provision:

; provided, so long as the Conference remains a party to Agreement No. 10,107, the Merchant will not be deemed in violation of this contract for undertaking to ship or cause to be shipped any of its ocean shipments moving from Hong Kong and Taiwan to Pacific Coast Ports of the United States on vessels of the Independent Line parties to the said Agreement.

Agreement No. 10107 is a ratemaking arrangement of the member lines of the Trans-Pacific Freight Conference (Hong Kong), as one party only, with Orient Overseas Line, Orient Overseas Container Line, Pacific Far East Line, Inc. and Zim Container Line, Inc., four independent carriers, within the trading area of that conference.

Dated: May 6, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10708 Filed 5–8–74;8:45 am]

EDWARD J. DENEKA, ET AL.

Applicants for Independent Ocean Freight Forwarders License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Edward J. Deneka
1363 Perry Street
Des Plaines, Illinois 60016
Dolphin Freight Forwarders, Inc.
3120 West 16th Avenue
Hialeah, Florida 33012

OFFICERS

Arnold E. Arrazola, President
Esther B. Arrazola, Vice President
Arsenio P. Arrazola, Treasurer
Martha R. Arrazola, Secretary

David Paul Simard d/b/a
Dramis
82 Toronto Avenue
Providence, Rhode Island 02905

Laudania Seaways, Inc.
6903 Cypress Road (B–20)
Fort Lauderdale, Florida 33317

OFFICERS

Samuel W. Shores, President
Margaret E. Shores, Secretary/Treasurer
David E. Shores, Vice President

Air-Sea Brokers, Inc.
395 Maverick Street
Logan International Airport
East Boston, Massachusetts 02128

OFFICERS

Thomas J. Whelan, President
James E. Francis, Jr., Treasurer
Benjamin T. Eisenstadt, Clerk

La Flor De Mayo Express, Inc.
571 Jackson Avenue
Bronx, New York 10455

OFFICERS

Frank Hernandez, President
Ines Hernandez, Treasurer
Ana C. Hernandez, Secretary

Dated: May 6, 1974.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10714 Filed 5–8–74;8:45 am]

WEST LINE, LTD.

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P–17 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C–1,010.

Whereas, West Line, Ltd. (formerly Alaska Cruise Lines, Ltd.) c/o Westours, Inc., 100 West Harrison Plaza, Seattle, Washington 19189, has ceased to operate the passenger vessels Glacier Queen, Yukon Star, and Polar Star.

It is ordered, that Certificate (Performance) No. P–17 and Certificate (Casualty) No. C–1,010 issued to Alaska Cruise Lines, Ltd. and reissued to West Line, Ltd. covering the Glacier Queen, Yukon Star and Polar Star, be and are hereby revoked effective May 3, 1974.

It is further ordered, That a copy of tihs order be published in the FEDERAL REGISTER and served on the certificants.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–10713 Filed 5–8–74;8:45 am]

[Docket No. 73-56]

NON-VESSEL OPERATING COMMON CARRIERS

Domestic Offshore Tariff Proceedings

Correction

In FR Doc. 74-10201, appearing at page 15537, in the issue of Friday, May 3, 1974, the agency bracket should read as set forth above.

FEDERAL POWER COMMISSION

[Docket No. CP71-290, CP73-283]

CONSOLIDATED SYSTEM LNG CO.

Availability of Staff Draft Environmental Impact Statement

MAY 8, 1974.

Notice is hereby given in the above Docket, that on February 26, 1974, as required by § 2.82(b) of Commission Order No. 415-C, a draft environmental statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with the application by Consolidated System LNG Company for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act authorizing construction and operation of 191.1 miles of 30-inch pipeline extending from Loudoun County, Virginia to Clinton County, Pennsylvania and two 6,800 horsepower compressor stations.

This statements has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, and at its Regional Office located at 26 Federal Place, 22nd Floor, New York, New York 10007. Copies may be obtained from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before June 14, 1974.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.82(c) of Order No. 415-C.

All petitions to intervene must be filed on or before June 24, 1974.

MARY B. KIDD,
Secretary.

[FR Doc.74-10752 Filed 5-8-74;8:45 am]

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEE TASK FORCES

Determination and Certification Regarding Renewal

MAY 8, 1974.

The Chairman of the Federal Power Commission has determined that renewal of the terms of the National Gas Survey's three Distribution-Technical Advisory Committee Task Forces (Facilities, Finance, and Regulation and Legislation), from and after May 25, 1974, to and including a date not later than December 31, 1974, is necessary in the public interest in connection with the performance of duties imposed by law upon the Commission.

This notice is published pursuant to Commission General Order No. 464, issued December 19, 1972, paragraph (4)(e) and authorities referred to therein, 48 FPC 1484, 1490. See also Office of Management and Budget, Advisory Committee Management, 39 FR 12389.

By order issued December 21, 1971, 46 FPC 1352, the Commission established the task forces to be subordinate organizationally to their respective parent committees. The purpose of these task forces, as indicated in the Commission's order of April 6, 1971, 45 FPC 530, is to perform work assigned to them by their respective advisory committees. As renewed, the subject task forces would function as set forth in those orders for the additional period described above. Reports of the technical advisory task forces covering their work performed to date have been submitted to the Commission through their respective technical advisory committees. It is contemplated that the task force and committee reports, along with the Commission report, will be published prior to the end of the calendar year 1974, and the subject task forces are proposed not to be extended thereafter.

The exigencies of the national energy crisis and long-term energy policy strategy has been more fully delineated since commencement of the National Gas Survey in 1971. Accordingly, it is clear that certain phases of the present gas shortage originally studied by the Survey's task forces require further investigation and analysis. The Office of Management and Budget, Committee of Management Secretariat, has determined that renewal of the subject task forces as set forth above is consistent with the requirements of the Federal Advisory Act, 86 Stat. 770.

Renewal of these task forces will be reflected in an appropriate Commission order to be issued after May 23, 1974.

JOHN N. NASSIKAS,
Chairman.

[FR Doc.74-10753 Filed 5-8-74;8:45 am]

[Docket No. E-8745]

ARKANSAS POWER AND LIGHT CO.

Filing of Amendment to Service Agreement

MAY 2, 1974.

Take notice that on April 23, 1974, Arkansas Power and Light Company (APL) tendered for filing the Third Amendment to the Electric Service Agreement Between the City of West Memphis and Arkansas Power and Light Company. The original agreement, dated February 2, 1967, has been designated Rate Schedule FPC No. 55.

Arkansas Power and Light states that the proposed amendment provides for an increase in the maximum kilowatts provided at the Lehi Point of Delivery to 30,000 Kw. APL requests an effective date of June 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10636 Filed 5-8-74;8:45 am]

[Docket No. RP74-4]

CITIES SERVICE GAS CO.

Further Extension of Time and Postponement of Hearing

MAY 2, 1974.

On April 25, 1974, Staff Counsel filed a motion, as amended on April 29, 1974, for a further extension of the procedural dates fixed by notice issued February 27, 1974, in the above-designated matter. The motion states that all of the parties to the proceeding concurred in the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Staff's Revised Schedules May 15, 1974.
Intervener Service, June 24, 1974.
Company Rebuttal, August 5, 1974.
Hearing, September 10, 1974, (10 a.m. e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-10638 Filed 5-8-74; 8:45 am]

[Docket No. RP74-77]

COLORADO INTERSTATE GAS CO.

Proposed Tariff Rate Changes

MAY 1, 1974.

Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), tendered for filing, on March 29, 1974, proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1 [1] to become effective May 1, 1974. CIG states that the proposed changes would increase revenues from jurisdictional sales and service by $5.3 million over those rates presently being collected subject to refund in Docket No. RP73-93 and by $10.3 million over the proposed settlement rates in that proceeding, inclusive of appropriate PGA adjustments and the March 1, 1974 rate increase attributable to the transfer of CIG's producing properties to a subsidiary in Docket No. RP74-68. The proposed increase is based on a test year of the twelve-month period ending December 31, 1973, as adjusted.

The filing was noticed on April 3, 1974, with petitions to intervene due on or before April 19, 1974. Numerous petitions to intervene have been filed.[2]

Our review of the filing and the issues raised therein indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore order a suspension of rates proposed herein for the full statutory period and establish hearing procedures.

Additionally, we have previously stated [3] that conjunctive billing procedures may be inconsistent with our policies in determining appropriate rates. Accordingly, we believe that the issue of CIG's conjunctive billing procedures should be fully explored and developed within the evidentiary hearing herein ordered. To permit full discussion of these issues, we shall provide dates for the service of evidence by all parties on this question as well as all other issues in this docket.

In this filing CIG uses the unmodified "Seaboard" method of cost classification, allocation and rate design. In light of Commission Opinion No. 671, issued October 31, 1973, in "United Gas Pipeline Company," Docket No. RP72-75, wherein the Commission adopted two part rates based upon the classification of 75 percent of fixed costs to commodity and 25 percent of fixed costs to demand, the burden shall be on CIG to justify any commodity rate levels reflecting inclusion of less than 75 percent of "Seaboard" fixed costs.

We note that CIG has included in the tariff sheets proposed herein costs associated with uncertificated facilities.[4] CIG requests waiver of § 154.63(e)(2)(ii) of the regulations to permit such costs to be included in the subject rate filing. CIG states that such facilities will be constructed and in service by the time the revised rates proposed in the filing become effective, subject to refund after a 5 month suspension.

For good cause shown, we shall grant waiver of § 154.63(e)(2)(ii) of the regulations and permit the costs associated with the uncertificated facilities to be included in the filing and to become effective, subject to refund, after suspension; *Provided, however,* That should such facilities not be certificated and placed in service on the date the proposed rates take effect, subject to refund, CIG shall file substitute tariff sheets including rates which reflect only those facilities which have been certificated.

Additionally, we note that CIG has included certain items in its filing which are the subject of litigation in Docket No. RP73-93. These items include the price differential between the P-1 and G-1 rate schedules and payments for coal options and water rights. We shall permit such items to be reflected in the proposed tariff sheets, subject to the disposition of those items in the decision in Docket No. RP73-93.

The Commission finds.

(1) The proposed changes in CIG's FPC Gas Tariff should be accepted for filing, suspended for five months, and the use thereof deferred until October 1, 1974.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges in CIG's FPC Gas Tariff, as proposed to be amended in this docket.

(3) Good cause exists to permit the intervention of the above mentioned petitioners.

(4) Good cause exists to grant waiver of § 154.63(e)(2)(ii) to the regulations as hereinafter ordered and conditioned.

The Commission orders.

(A) Pursuant to the Authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on September 24, 1974, for the purpose of cross-examination concerning the lawfulness and reasonableness of the rates and charges in CIG's FPC Gas Tariff, as proposed to be amended herein.

(B) Within thirty days of the issuance of this order, CIG shall file its direct testimony and exhibits on the conjunctive billing issue. The Commission Staff shall file its evidence on all issues on or before August 13, 1974. Any intervenor evidence on all issues shall be filed on or before August 27, 1974. Any rebuttal evidence by CIG shall be filed on or before September 10, 1974.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commissions' rules of practice and procedure.

(D) Pending hearing and a decision thereon, CIG's proposed revised tariff sheets are accepted for filing and suspended for the full statutory period of five months and the use thereof deferred until October 1, 1974, and until such time as they are made effective in the manner provided in the Natural Gas Act: *Provided, however,* That if certificate approval has not been granted in Docket Nos. CP74-199 and CP74-209 by October 1, 1974, CIG shall file substitute tariff sheets reflecting exclusion of costs associated with the facilities which are the subject of the aforementioned dockets.

(E) Waiver of § 154.63(e)(2)(ii) is granted, subject to the condition set forth in Ordering Paragraph D above.

(F) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,[5] *Secretary.*

[FR Doc.74-10642 Filed 5-8-74;8:45 am]

---

[1] Sixth Revised Sheet No. 5, Sixth Revised Sheet No. 6, Sixth Revised Sheet No. 66.

[2] Citizens Utility Company; The City of Colorado Springs, Colorado; Kansas-Nebraska Natural Gas Company, Inc.; Peoples Natural Gas Division of Northern Natural Gas Company; Public Service Company of Colorado; Western Slope Gas Company; Cheyenne Light, Fuel and Power Company.

[3] El Paso Natural Gas Company, Docket Nos. RP71-137 and RP72-151, issued November 7, 1972; Texas Eastern Transmission Company, Docket No. RP72-98, issued June 28, 1973; Columbia Gas Transmission Corporation, et at., Docket No. RP73-86, et al., issued November 23, 1973; Transcontinental Gas Pipeline Corporation, Docket No. RP74-48, issued January 31, 1974.

[4] Docket No. CP74-199 (Expansion of CIG's Fort Morgan Storage Field) and Docket No. CP74-209 (Additional Looping of CIG's Wyoming Line).

[5] Commissioner Brooke, dissenting, would not require (supra, Page 2) that CIG conform its cost classification and allocation and rate design to the 75-25 prescription of the United case.

[Docket No. E-7806]

ILLINOIS POWER CO.

Extension of Time

MAY 2, 1974.

On April 12, 1974, Illinois Power Company filed a motion for an extension of time to file amendments to its rate schedules with the Cooperatives required by Order issued March 19, 1974, in the above-designated matter. The motion states that the nine Cooperatives support the request.

Upon consideration, notice is hereby given that the time is extended to and including June 18, 1974, within which Illinois Power Company shall file amendments to its rate schedules as required by the order issued March 19, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10634 Filed 5-8-74;8:45 am]

[Docket No. RP74-49]

NORTHWEST PIPELINE CORP.

Extension of Time and Postponement of Hearing

MAY 2, 1974.

On April 25, 1974, Northwest Pipeline Corporation filed a motion for an extension of time for filing its testimony as required by Order issued February 21, 1974, in the above-designated matter. The motion states that the proposed date is acceptable to all of Northwest's major customers.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Case-in-Chief by Northwest, including its testimony and exhibits on the impact and implementation of an Order No. 467-B curtailment plan on its system, July 15, 1974.

Hearing, August 13, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10635 Filed 5-8-74;8:45 am]

[Docket No. RP73-23]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Substitute Tariff Sheets

MAY 2, 1974.

Take notice that on April 19, 1974, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two substitute gas tariff sheets to its FPC Gas Tariff, Original Volume No. 1. Lawrenceburg states that these sheets, designated Substitute Fifth Revised Sheet No. 3-A superseding Substitute Fourth Revised Sheet No. 3-A and Substitute Fifth Revised Sheet No. 18-B superseding Substitute Fourth Revised Sheet No. 18-B, are being filed to replace prior sheets, filed on April 15, 1974, which were incorrectly identified.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10645 Filed 5-8-74;8:45 am]

[Docket No. RI74-214]

NORTHERN PUMP CO.

Notice of Petition for Special Relief

MAY 1, 1974.

Take notice that on April 18, 1974, Northern Pump Company, (Petitioner), 1915 57th Avenue North, Minneapolis, Minnesota 55430, filed a petition for special relief in Docket No. RI74-214, pursuant to Order No. 481 and § 2.76. Petitioner requests special relief from the area rate prescribed in Opinion No. 586 with respect to sales of natural gas to Cities Service Gas Company from its Kraus Gas Unit in the Hugoton-Field, Finney County, Kansas. Petitioner seeks a rate of 30.0 cents per Mcf.

Petitioner proposes to rework the well and estimates that such reworking will permit it to sell additional reserves of approximately 250,000 Mcf over the next 10-12 years. Petitioner further states that because of reduced pressures, limited producing capabilities, and increasing water production, further production from the Unit is uneconomical at the existing rate of 13.2 cents per Mcf, and premature abandonment will result unless the relief requested is granted.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10641 Filed 5-8-74;8:45 am]

[Docket No. E-8748]

ORANGE AND ROCKLAND UTILITIES, INC.

Initial Rate Schedule

MAY 2, 1974.

Take notice that on April 25, 1974 Orange and Rockland Utilities, Inc. (ORU) tendered for filing an initial rate schedule of a proposed agreement between ORU and Consolidated Edison Company of New York, Inc. (Con Edison). ORU states that the initial rate schedule is for the sale of Firm Capability and Associated Energy by ORU to Con Edison from ORU's share of the capability of Bowline Point Generating Station Unit No. 2.

ORU proposes an effective date of April 28, 1974 or as soon thereafter as Unit No. 2 is placed in commercial operation and will terminate April 26, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10644 Filed 5-8-74;8:45 am]

[Docket No. E-8735]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Filing Proposed Changes in Rates and Charges

MAY 2, 1974.

Take notice that on April 15, 1974 Public Service Electric and Gas Company (PSE&G), tendered for filing a Supplemental Interconnection Agreement between itself and Atlantic City Electric Company (ACE), which supplements the previous Interconnection Agreement between the same parties dated March 1, 1969 (PSE&G FPC Rate Schedule No. 43).

Also filed are Supplemental Schedules with respect to facilities, metering points and determination of the revised monthly settlement under the terms and conditions of the Supplemental Interconnection. Agreement. The Supplemental Interconnection Agreement provides for a New-freedom Monroe 230-kv Interconnection replacing the Berlington-Monroe 138-kv interconnection, an addition of the New Freedom-Silver Lake-Cox's Corner 230-kv interconnection.

ACE's certificate of concurrence is simultaneously filed. It is requested that the Supplemental Interconnection Agreement and Supplemental Schedules

be deemed effective as of May 29, 1971, the date of initial service.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should on or before May 24, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. All protest filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. The documents referred to above are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10643 Filed 5-8-74;8:45 am]

[Docket No. RP73-99]

SOUTHWEST GAS CORP.

Tendered Tariff Sheets

MAY 2, 1974.

Take notice that on April 18, 1974 Southwest Gas Corporation (Southwest) tendered for filing copies of Third Substitute Fourth Revised Sheet No. 3A, Original PGA-1 in its FPC Gas Tariff, Original Volume No. 1. Southwest states that the purpose of its filing is to comply with the Commission's "Order Approving Settlement Agreement" issued April 8, 1974 in this docket. Southwest claims its tendered tariff sheet reflects a reduction of .070 cents per therm in Southwest's rates currently in effect. Southwest also requests that the Commission grant waiver under Section 154.51 of its Regulations under the Natural Gas Act and permit the proposed rates to become effective May 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 13, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10637 Filed 5-8-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-31]

ACQUISITION OF MOTOR VEHICLES

Revised Policies and Procedures

1. *Purpose.* This regulation provides revised policies and procedures to be followed in purchasing sedans, station wagons, and light trucks covered by Federal Standard Number 122 and Interim Federal Standards Numbers 00292 and 00307; and leasing motor vehicles in excess of the maximum order limitation ($500) of Federal Supply Schedule, Industrial Group 751—Motor Vehicle Rental Without Driver.

2. *Effective date.* This regulation is effective upon publication in the Federal Register.

3. *Expiration date.* This regulation expires September 30, 1974, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all executive agencies. Other Federal agencies are encouraged to conform so that maximum benefits may be realized.

5. *Background.* To further the President's program for achieving reduction in the consumption of the Nation's energy by Government agencies, policy guidance has been developed and published in Federal Management Circular (FMC) 74-1, Federal energy conservation. In consonance with the general policy contained therein, this regulation specifically restricts acquisition of motor vehicles by executive agencies to subcompact or compact vehicles to the extent practicable in consideration of the accomplishment of agencies' missions. In addition, to achieve more efficient management of Government-operated vehicles, the use of a single agency as the primary source for determining the availability of motor vehicles will result in greater control over the type and number of vehicles leased and in the reduction of fuel consumption.

6. *Acquisition of motor vehicles*—a. *Purchase of sedans, station wagons, and light trucks.* In furtherance of the objective stated in paragraph 5, agencies shall purchase sedans, station wagons, and light trucks equipped with engines and accessories which will achieve the maximum reduction in energy consumption commensurate with optimum achievement of their missions and functions. Agencies shall follow the policy and procedures set forth below when purchasing sedans, station wagons, and light trucks.

(1) *Sedans and station wagons.* With respect to the purchase of sedans and station wagons, agencies shall acquire only those vehicles as defined in Federal Standard Number 122 as follows: Sedans, type I, class A, subcompact, or class B, compact; station wagons, type I, subcompact/compact passenger vehicles. Requisitions for new passenger vehicles submitted to the General Services Administration for other than those specified above shall contain a certification by the agency head or his designee that the larger vehicle requisitioned is essential to the agencys' mission. The certification may be placed on the GSA Form 1781, Motor Vehicle Requisition—Delivery Order—Invoice; military interdepartmental purchase request (MIPR); other acceptable requisitioning document; or on an appropriate attachment thereto. Agency passenger vehicle requisitions for other than type I vehicles omitting such certification shall be satisfied with the appropriate type I vehicle at the discretion of GSA.

(2) *Light trucks.* Requirements for light trucks shall be requisitioned in accordance with the provisions of this regulation, FPMR 101-26.501, and interim Federal Standards Numbers 00292 (Tables I through VIII) and 00307 (Tables I through XI) as applicable. The agency head or his designee shall certify on the GSA Form 1781 or other appropriate document that each light truck requisitioned represents the minimum capacity/performance vehicle which will satisfy the requirements in consideration of overall safety, economy, and efficiency.

(3) *Additional systems and equipment.* The procurement of additional systems and equipment for new sedans, station wagons, and light trucks under the provisions of FPMR 101-26.501(a) shall be accomplished only after the essentiality of the additional systems and equipment has been considered in terms of the primary objective of reduced fuel consumption as opposed to the end use of the vehicle.

b. *Leasing of motor vehicles.* All requirements for leased vehicles exceeding the maximum order limitation ($500) of Federal Supply Schedule, Industrial Group 751—Motor Vehicle Rental Without Driver, shall be submitted to the General Services Administration for appropriate action as shown below. The request shall include full justification as to the need for such leased vehicles and a certification that other means of transportation are not available or not suitable. Further, the type of vehicle requested shall be limited to type 1A or 1B unless certified by the agency head or his designee that the larger vehicle is essential to the agency's mission. The anticipated duration of the lease shall also be included in the request.

(1) Agencies establishing new requirements for leased vehicles, nationwide, shall submit such requirements to the General Services Administration (FZ), Washington, D.C. 20406, for a determination whether the requirements can be satisfied with vehicles from the Interagency Motor Pool System. The Office of Transportation and Public Utilities (FZ) will notify agencies and the appropriate GSA regional offices regarding decisions on vehicle allocations or, where motor pool vehicles are not available, advise agencies to proceed with leasing action.

(2) For other than national requirements, agencies shall first submit such requirements to the Regional Director, Motor Equipment Division, Federal Supply Service, of the supporting GSA region, for a determination whether the requirements can be satisfied with vehicles from the Interagency Motor Pool System. If motor pool vehicles are available, the agency will be so notified by the regional office. If motor pool vehicles are not available, GSA will return the request to the agency for leasing action.

(3) Leasing of medium and heavy trucks for periods of less than 90 days and all charter services are exempted from the provisions of this regulation.

7. *Assistance.* The General Services Administration will assist agencies in the acquisition of motor vehicles.

a. With respect to the purchase of sedans, station wagons, and light trucks, information pertaining to related specifications and standards may be obtained from the Automotive Division (FMA), telephone (703) 557–7800. Inquiries concerning motor vehicle procurement matters may be obtained from the Automotive Division (FPM), telephone (703) 557–8300. The mail address for these organizations is General Services Administration ((FMA) or (FPM), as applicable), Washington, DC 20406.

b. With respect to leasing, agencies may obtain assistance from the Regional Director, Procurement Division, Federal Supply Service, of the supporting GSA region.

8. *Effect on other issuances.* This regulation supplements the policy in FPMR 101–26.501 as it applies to the purchase of motor vehicles. Further, FPMR Temporary Regulations E–26, Leasing of motor vehicles, dated November 28, 1973; and E–28, Acquisition of sedans, station wagons, and light trucks, dated January 28, 1974, are canceled.

9. *Comments or suggestions.* Agency views concerning the effect or impact of this regulation on agency operations or programs should be submitted to General Services Administration (FF), Washington, DC 20406, no later than June 1, 1974, for consideration and possible incorporation into the permanent regulation.

DWIGHT A. INK,
Acting Administrator of General Services.

MAY 7, 1974.

[FR Doc.74–10889 Filed 5–8–74;9:54 am]

[Federal Property Management Regs.; Temporary Reg. D–45]

POSTMASTER GENERAL

Revocation of Delegation of Authority

1. *Purpose.* This regulation revokes a delegation of authority to the Postmaster General to appoint uniformed guards of the United States Postal Service as special policemen and to issue needful rules and regulations in connection with the protection of certain buildings of the Postal Service situated throughout the United States, because the Postmaster General has now obtained such authority from Congress.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires April 30, 1974.

4. *Revocation.* This revocation identifies the delegation which is no longer in force due to accomplishment of the purpose for which is was issued. Accordingly, the following FPMR temporary regulation is hereby revoked:

Number, date, and subject

D–32, February 7, 1972, Delegation of Authority to the Postmaster General, United States Postal Service.

DWIGHT A. INK,
Acting Administrator of General Services.

APRIL 26, 1974.

[FR Doc.74–10673 Filed 5–8–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 6, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Telecommunications Policy, Marine Information Broadcast Questionnaire, Form ____, Single time, Sheftel, Marine Industry and Recreational boater.

REVISIONS

FEDERAL ENERGY ADMINISTRATION

Refiner Quarterly Report, Form FEO 900A, Single time, Lowry/Caywood, Refiners of crude oil.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Recertification of Family Income and Composition, Section 235(b), Forms HUD 93101, HUD 93101A, HUD 93101B, Annually CVA, Homeowners receiving assistance and mortgage lenders.

EXTENSIONS

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Fish Tagging Report, Form ____, Occasional, Evinger (x), Sportfishermen.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–10817 Filed 5–8–74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR RESEARCH MANAGEMENT IMPROVEMENT

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Advisory Panel for Research Management Improvement to be held at 9 a.m. on May 23 and 24, 1974, in Room 540 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals. The emergency situation prohibiting the publication of this notice within the newly prescribed 15-day lead time occurred due to difficulty in arranging a meeting date satisfactory to all of the panel members.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

Individuals requiring further information about this panel may contact Ms. Jean DeBell, Program Director, Research Management Improvement Program, Room 706, 1800 G Street, NW., Washington, D.C. 20550.

Dated: May 2, 1974.

T. E. JENKINS,
Assistant Director for Administration.

[FR Doc.74–10702 Filed 5–8–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Filing of Proposed Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed proposed amendments to its Option Plan pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1).

The proposed amendment to Rule 101(c) of its Clearing Corporation would eliminate the requirement that Clearing Banks be located in Chicago, Illinois.

The proposed amendment to Rule 204 of the Clearing Corporation would designate the copy of any item delivered by the Clearing Corporation to a Clearing

Member's lock box in Chicago as the original and definitive copy of that item.

The proposed amendment to Rule 903 of the Clearing Corporation would expressly require Clearing Members delivering and receiving underlying securities in jurisdictions other than Illinois to pay any applicable stock transfer or other taxes imposed by the jurisdiction where delivery takes place, to hold the Clearing Corporation harmless in respect of such taxes, and to furnish to the Clearing Corporation on request evidence as to the payment thereof.

The proposed amendments will become effective on or before June 10, 1974, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after such amendments have become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 132-37784. The proposed amendments are, and all such comments will be available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 1, 1974.

[FR Doc.74-10688 Filed 5-8-74;8:45 am]

[812-3593]

ASTRON FUND, INC., ET AL.

Notice of Application for Order of Exemption

MAY 2, 1974.

Notice is hereby given that Astron Fund, Inc. ("Astron"), a Washington corporation registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act"); and Bondstock Corporation ("Bondstock"), 1100 One Washington Plaza, Tacoma, Washington 98402, a Delaware Corporation registered as an open-end, diversified management investment company under the Act, and Frank Russell Co., Inc., ("Russell"), a broker-dealer registered under the Securities Exchange Act of 1934 and the principal underwriter for Astron and Bondstock (Astron, Bondstock, and Russell are collectively referred to as "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from the provisions of section 22(d) of the Act to permit Bondstock to offer shareholders of Astron the right to invest the proceeds of certain liquidating distributions in shares of Bondstock at net asset value without the payment of any sales or service charges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Application represents that at a meeting of Astron's Board of Directors held on January 22, 1974, its Board determined to liquidate and dissolve Astron. Pursuant to that determination, preliminary proxy soliciting materials, seeking shareholder approval of a Plan of Liquidation and Dissolution ("Plan of Liquidation") at a special meeting of shareholders scheduled for April 26, 1974 have been filed with the Commission for mailing to shareholders. The application represents that upon adoption by Astron shareholders of the Plan of Liquidation, there will be an initial liquidating distribution amounting to approximately 90 percent of Astron's net assets. The remaining assets of Astron will be distributed when Astron's Board concludes that it is no longer reasonable to pursue certain claims Astron may have against a former officer and others.

Section 22(d) of the Act, in pertinent part, prohibits the sale of any redeemable security issued by a registered investment company at a price other than the current public offering price described in the prospectus. Applicants request an exemption from section 22(d) of the Act, to the extent necessary, to permit Bondstock to offer its shares at the net asset value thereof to Astron shareholders investing the proceeds of Astron's liquidating distributions.

Applicants represent that by investing in shares of Astron, Astron's shareholders have evidenced an intent to pursue their investment goals by investing in a mutual fund whose principal investment objective is growth of capital and which is managed by Russell. Applicants state that the investment objectives, the investment policies and restrictions, the tax status, the management and the management fee of Astron and Bondstock are substantially the same; and state that the expense ratio of Bondstock has been substantially lower in recent years than the expense ratio of Astron. Applicants state that they believe that it is in the interest of Astron's shareholders who wish to do so to permit them to invest, without the payment of any additional sales or service charges, the proceeds of the liquidating distributions in shares of Bondstock at the net asset value.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provisions or provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than May 24, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued by the Commission as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10685 Filed 5-8-74;8:45 am]

[812-3566]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application

MAY 2, 1974.

Notice is hereby given that E. I. du Pont de Nemours and Company ("Applicant"), 1007 Market Street, Wilmington, Delaware 19898, a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting the proposed sale by Applicant to Block Engineering, Inc. ("Block"), a Delaware corporation, of 540,000 shares of the common stock of Block, representing Applicant's entire ownership in Block, for $675,000 in cash and a six-year 6½ percent subordinated note in the amount of $675,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

Christiana Securities Company ("Christiana"), a registered closed-end investment company, owns approximately 28.1 percent of the outstanding common stock of Applicant, which in turn owns approximately 33.6 percent of the outstanding common stock of Block. Under section 2(a)(9) of the Act, both Applicant and Block are presumed to be controlled by Christiana and under section 2(a)(3) of the Act, both Applicant

and Block are also affiliated persons of Christiana.

Applicant states that its initial investment in Block in 1962 was part of Applicant's then active program to support technologically oriented embryonic companies through minority investments and was undertaken without contemplation of maintaining its minority equity position indefinitely. During the intervening years, investment in Block has not resulted in any particularly close compatability to Applicant's endeavors. In these circumstances, Applicant has, from time to time in recent years, considered the possibility of disposing of its minority interest in Block.

It was against this background that Applicant considered Block's offer, made in March 1973, to acquire Applicant's holding in Block substantially on the above terms. Applicant had not received any indication, despite various recent efforts in that direction, that another purchaser could be found who would acquire the holding on comparable terms. High and low bid prices on Block common stock during the period of negotiations (approximately March 1973 through August 1973) were 3⅜ and 2⅛, respectively. The provisions of the proposed sale were negotiated at arm's length and Applicant believes that the terms negotiated with Block appropriately reflect the market conditions existing during the period of negotiations, and that these terms are fair and reasonable to all parties concerned.

At Block's request, the agreement between Applicant and Block provides that Block's purchase of Applicant's interest in Block be conditioned on the prior or simultaneous consummation of the following transaction between Block and United States Trust Company of New York, which represents a group of private investors (hereinafter referred to collectively as "U.S. Trust"): U.S. Trust will exchange the 8½ percent subordinated notes due May 31, 1975, issued to U.S. Trust by Block in 1969 in the aggregate principal amount of $500,000 ($450,000 of which remain outstanding), and the 7¼ percent subordinated convertible notes due November 30, 1979, issued to U.S. Trust by Block in 1969 in the aggregate principal amount of $1,000,000 convertible into Block common stock at the rate of $16⅔ per share, as follows: (1) $1,305,000 of subordinated notes for 216,000 shares of Block common stock, at $6.04 per share and (2) $145,000 of subordinated notes for cash in such amount together with accrued or deferred interest thereon. The application states that Block negotiated separately and independently on the one hand with Applicant and on the other hand with U.S. Trust.

From the time of their initial investment in Block in 1969, the U.S. Trust investors have desired an equity investment in Block, rather than a debt investment; the $16⅔ per share conversion price contained in the convertible debt of Block held by these investors was negotiated in the light of the bid price of Block common stock during the fall of 1969, which ranged from $16¾ to $11¾ during the period September through December 1969, and which was $11¾ in mid-December 1969 when the convertible debt was issued. Such price levels then afforded some support for the belief that conversion of the debt at $16⅔ a share might be advantageous in the foreseeable future.

Since then, conversion at that price would not have been advantageous to the investors; instead, they have been faced with the prospect of having their investment in Block essentially tied up until the debt is repaid and of receiving their return thereon in the form of current interest income rather than capital gains. In these circumstances, the investors were attracted to an opportunity to convert all of their debt holdings in Block to equity at a per share conversion price which would close a substantial majority of the gap between the $16⅔ per share price and current market levels—recognizing that Block could not have been expected to agree to terms which would close that gap entirely.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company from selling to such company or any company controlled by such registered investment company any security or other property, with certain exceptions, unless the Commission finds, upon application under section 17(b) of the Act, that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Notice is further given that any interested person may, not later than May 28, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–10686 Filed 5–8–74;8:45 am]

[70–5493]

INDIANA & MICHIGAN ELECTRIC CO. AND AMERICAN ELECTRIC POWER COMPANY, INC.

Notice of Proposed Transactions

MAY 2, 1974.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, and Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, its electric utility subsidiary company, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12 thereof and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $70,000,000 aggregate principal amount of First Mortgage Bonds, to mature in not less than 5 and not more than 30 years. The interest rate (which will be expressed in a multiple of ⅛ of 1 percent) and the price (which will be not less than 100 percent, unless I&M shall authorize a lower percentage not less than 99 percent, and shall not exceed 102.75 percent) will be determined by competitive bidding. The terms of the Bonds preclude I&M from redeeming any such Bonds prior to June 1, 1979 if such redemption is for the purpose of refunding such Bond with proceeds of funds borrowed at a lower effective interest cost.

I&M also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 300,000 shares of a new series of its cumulative preferred stock, par value $100 per share. The dividend rate (which will be a multiple of .04 of 1 percent) and the price to be paid by I&M (which shall not be less than $100 per share or more than $102.75 per share) will be determined by competitive bidding. Prior to June 1, 1979, none of the shares of the preferred stock may be redeemed if such redemption is for the purpose of refunding such share, directly or indirectly, through the incurring of debt or the issuance of stock ranking equally with or prior to the preferred stock at an interest or dividend cost less than the dividend cost to I&M of the preferred stock.

AEP proposes to make a cash capital contribution of $10,000,000 to I&M. Neither the Bonds nor the preferred stock will be issued and sold unless I&M shall have received prior to such sale and subsequent to March 31, 1974 cash capital contributions from AEP which aggregate $30,000,000. The making of $20,000,000 of such cash capital contributions by AEP has been previously authorized on June 29, 1973 (Holding Company Act Release No. 18013).

The proceeds realized from the sale of the Bonds and cumulative preferred stock will be applied within 90 days after such sale to the payment of a like principal amount of unsecured short-term indebtedness of I&M consisting of notes and demand notes payable to banks and commercial paper. At March 31, 1974, $149,506,000 principal amount of such unsecured short-term debt was outstanding and, it is anticipated that at the time of the sale of the Bonds and cumulative preferred stock, following receipt of the cash capital contributions, approximately $100,000,000 principal amount of such unsecured short-term debt will be outstanding. The proceeds from the cash capital contribution or contributions received by I&M from AEP will be applied, together with other funds available to I&M, to the payment of unsecured short-term indebtedness of I&M.

Expenses of I&M in connection with the proposed transactions will be filed by amendment. The proposed transactions are subject to the jurisdiction of the Public Service Commission of Indiana and the Michigan Public Service Commission, and no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 29, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10684 Filed 5-8-74;8:45 am]

[File No. 500-1]

NATIONAL ALFALFA DEHYDRATING AND MILLING CO.

Suspension of Trading

MAY 3, 1974.

The common stock of National Alfalfa Dehydrating And Milling Company being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of National Alfalfa Dehydrating And Milling Company being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 6, 1974 through May 15, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10691 Filed 5-8-74;8:45 am]

[70-5495]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Notice of Issue and Sale of Common Stock

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, a registered holding company and a public-utility company, and Pennsylvania Power Company ("Pennsylvania"), 1 East Washington Street, New Castle, Pennsylvania 16103, its electric utility subsidiary, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10 and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 3,000,000 shares of its authorized but unissued common stock, par value $9 per share. Pennsylvania proposes to issue and sell to Ohio Edison, its parent, and Ohio Edison proposes to purchase from Pennsylvania, 340,000 shares of its authorized and unissued common stock at a price per share equal to the par value thereof ($30 per share), for a total cash consideration of $10,200,000. It is proposed that 200,000 of these shares be issued and sold in June, 1974, with the remaining 140,000 shares be issued and sold in September, 1974. The proceeds from the sale of the common stock will be used for the repayment of unsecured short-term debt incurred by Ohio Edison (estimated to amount to $52,000,000 at the time of such issue) with the remainder to be used for construction purposes. The proceeds from the sale of the common stock will be applied to the repayment of bank loans (estimated to aggregate $8,000,000 in June and $10,200,000 in September) with the remainder to be used for construction purposes.

The fees and expenses to be paid by Ohio Edison in connection with the issue and sale of the additional common stock will be filed by amendment. The fees and expenses to be paid in connection with the issue and sale by Pennsylvania of its common stock, all of which are to be paid by Pennsylvania, are estimated to total $1,500, including legal fees of $1,000. It is stated that the Public Utilities Commission of Ohio has jurisdiction over the proposed issue and sale of the Ohio Edison's common stock and that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of the Pennsylvania common stock and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 29, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations

promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10683 Filed 5-8-74;8:45 am]

[File No. 24FW-1595]

PETROLEUM ENERGY INVESTORS, LTD.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Opportunity for Hearing

MAY 2, 1974.

I. Miller Management Services, Inc. ("MMS"), a California corporation organized December 7, 1970, with offices located at 2483 East Bayshore, Suite 208, Palo Alto, California, filed with the Commission on July 18, 1973, a Form 1-A Notification with attached exhibits, including an offering circular, relating to an offering of 100 limited partnership units at an offering price of $5,000 per unit in Petroleum Energy Investors, Ltd. ("Petroleum"), a limited partnership to be formed to acquire, explore and develop oil and gas properties in Oklahoma, Texas and other states. MMS was to act as general partner for Petroleum. The offering has not commenced.

II. The Commission, on the basis of information reported by the staff, has reason to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose all promoters and affiliates;

2. The failure to disclose the sale of unregistered securities;

3. The failure to disclose a temporary restraining order and subsequent preliminary injunction against the issuer and its president, Follis O. Miller; and

4. The failure to disclose that the issuer had been placed in receivership.

B. The terms and conditions of Regulation A have not been met in the following respects:

No Regulation A exemption is available to MMS under the provisions of Rule 252(c)(4) and Rule 252(d)(2) in that MMS, Follis O. Miller and Sant Pallan, an affiliate of MMS, are subject to a decree of a court of competent jurisdiction of the State of California preliminarily enjoining and restraining such persons from engaging in any violations of the California Securities Act.

C. The proposed offering, if made, would be in violation of Section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended;

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof;

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10692 Filed 5-8-74;8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Notice of Suspension of Trading

MAY 3, 1974.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 5, 1974 through May 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10690 Filed 5-8-74;8:45 am]

[811-1871]

VENTUREVEST CORP.

Notice of Filing of Application

MAY 2, 1974.

Notice is hereby given that Venturevest Corp., ("Applicant"), 1665 Route #10, Morris Plains, New Jersey 07950, registered as a closed-end, non-diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant was organized as a Delaware corporation on December 16, 1955, under the name American Laundrimation Corp., which name was changed to Laundrimation, Inc. on April 2, 1956. Applicant adopted its present name on January 26, 1970. Applicant represents that it operated as a commercial, non-investment company until May, 1969. Applicant registered under the Act on May 23, 1969.

The application states that on June 14, 1973, the shareholders of Applicant voted to approve the decision of Applicant's board of directors to change the fundamental policy of Applicant to one which would cause it not to be an investment company. Since June 14, 1973, Applicant has not invested in any securities, reinvested in any securities, or, except to the limited extent necessary to dispose of the securities which were owned by Applicant on June 14, 1973, traded in any securities. Further, Applicant has not and does not hold itself out as being engaged primarily in the business of investing, reinvesting or trading in securities, and is not now engaged and does not now propose to engage in the business of investing, reinvesting, owning, holding or trading in securities in such a manner as to cause section 3(a)(3) of the Act to apply to Applicant. Applicant now is engaged in various entrepreneurial activities consistent with its change in fundamental policy, including the development of a bedding product, the patent on which is owned by Applicant and of two other new instructional products, whose copyrights are owned by Applicant and which are to be marketed by Applicant.

Applicant represents that it currently owns no investment securities, U.S. Government securities, or other securities. Applicant retains a contractual right to a percentage of the cash profits, if any, realized upon the sale of certain Achievement Inc. stock by an entity to which Applicant sold said stock. There is, however, no current market for said stock, and the board of directors of Applicant considers this contractual right to be worthless.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to

be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 28, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or of law proposed to be controverted, or such person may request a notification if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following May 28, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–10682 Filed 5–8–74;8:45 am]

[File No. 500–1]

ZENITH DEVELOPMENT CORP.

Notice of Suspension of Trading

MAY 2, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 3:45 p.m., e.d.t. on May 2, 1974 and through May 11, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–10689 Filed 5–8–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 504]

ASSIGNMENT OF HEARINGS

MAY 6, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

I&S M–27554, Automobile Parts or Accessories, Between Points in Central States, now assigned May 7, 1974 is cancelled.

MC–99208 Sub 11, Skyline Transportation, Inc., now assigned June 3, 1974, at Knoxville, Tenn., will be held in GSA Conference Room, 301 Cumberland Building.

MC–138857, W. L. Burgess, DBA Burgess Trucking Co., now assigned June 10, 1974, Paducah, Ky., will be held at the Holiday Inn, 727 Joe Clifton Drive.

MC–138876, James D. Caroll, DBA Rapid Express, now assigned May 20, 1974, at Baton Rouge, La., is postponed indefinitely.

MC–FC 74226, Taylor Freight System, Inc., Philadelphia, Pa., Transferee and Dependable Container Service, Inc., Brooklyn, N.Y., Transferor; and MC–FC 74488, Jetex Freight Systems, Inc., Newton, Pa., Transferee and James H. Russell, Smithfield, R.I., Transferor, now assigned May 14, 1974, at Washington, D.C., is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–10736 Filed 5–8–74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 6, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before May 24, 1974.

FSA No. 42831—*Commodity Rates from and to Baytown, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B–467), for interested rail carriers. Rates on property moving on point-to-point commodity rates, from or to Baytown, Texas, on the Missouri Pacific Railroad Company and Southern Pacific Transportation Company, to or from points in the United States and Canada.

Grounds for relief—Rate relationship.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–10738 Filed 5–8–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 3, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's "Gateway Elimination" rules (49 CFR Part 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 20, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–25798 (Sub-No. E4), filed April 11, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Florida 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food products*, from Port Wentworth, Ga., to points in Colorado, Kansas, Nebraska, North Dakota, South Dakota, and points in Iowa on and west of a line beginning at U.S. Highway 52 and the Iowa-Minnesota State line, and thence along U.S. Highway 52 to its intersection Iowa Highway 150, thence south on Iowa Highway 150 to its intersection with U.S. Highway 151, thence east on U.S. Highway 151 to its intersection with Iowa Highway 1, thence south on Iowa Highway 1 to its intersection with Iowa Highway 2, thence west on Iowa Highway 2 to its intersection with Iowa Highway 15, thence south on Iowa Highway 15, to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateways of Asheville, N.C., and California, Mo.

No. MC–25798 (Sub-No. E15), filed April 28, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Florida 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Frozen vegetables* (1) from points in Florida to points in Michigan, Minnesota, Ohio, West Virginia, and Wisconsin; (2) from points in Florida west of the eastern boundary of Jefferson County in that portion of Kentucky east of a line beginning at the intersection of Kentucky Highway 61 and the Kentucky-Tennessee state line, thence along Kentucky Highway 61 to Elizabethtown, thence north along U.S. Highway 31W to its intersection with U.S. Highway 60, thence west on U.S. Highway 60 to its intersection with Kentucky Highway 79, thence north on Kentucky Highway 79 to the Kentucky-Indiana state line; (3) from points in Florida west of the eastern boundary of Jefferson County to points in that portion of Illinois on and north of a line beginning at the Illinois-Indiana state line and U.S. Highway 460, thence along U.S. Highway 460 to its intersection with U.S. Highway 40, thence west on U.S. Highway 40 to the Illinois-Missouri state line; (4) from points in Florida west of the eastern boundary of Jefferson County to points in Indiana (except points of Posey, Vanderburgh, Warrick, Spencer, Perry, Dubuis, Gibson, and Pike Counties).

No. MC-25798 (Sub-No. E13), filed April 28, 1974. Applicant: CLAY HYDER TRUCKING LINE, INC., P.O. Box 1186, Auburndale, Florida 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen strawberries*, in containers, from points in Tennessee on and west of a line beginning at U.S. Highway 411 at the Tennessee-Georgia State line and along said Highway to its intersection with Tennessee Highway 33, thence North along Tennessee Highway 33 to its intersection with U.S. Highway 25E to the Tennessee-Virginia State line, to points in New York on and east of U.S. Highway 81 and to points in Pennsylvania on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-25798 (Sub-No. E17), filed April 28, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Florida 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus products and citrus products*, not canned and not frozen, from points in Florida to points in Iowa, Colorado, Kansas, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC-65941 (Sub-No. E1), filed April 11, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between points in that part of West Virginia bounded by a line beginning at Kenova, W. Va., and extending along U.S. Highway 60 to Charleston, thence along U.S. Highway 119 to the West Virginia-Pennsylvania State line, thence along the West Virginia-Pennsylvania State line to U.S. Highway 30, thence along U.S. Highway 30 to West Virginia Highway 2, thence along West Virginia 2 to West Virginia Secondary Highway 3, thence along West Virginia Secondary Highway 3 to West Virginia Highway 66, thence along West Virginia Highway 66 to U.S. Highway 30, thence along U.S. Highway 30 to the West Virginia-Ohio State line, and thence along the West Virginia-Ohio State line to point of beginning including points on the indicated portions of U.S. Highways 60 and 119, but not on the indicated portions of the other highways specified, on the one hand, and, on the other, points in that part of Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 422 to Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to point of beginning including points on the indicated portions of the highways specified; and (2) from Wheeling, W. Va., and points in West Virginia within 30 miles of Wheeling, Clarksburg, and Mannington, W. Va., and Martins Ferry, Ohio, to points in that part of Georgia on and north of a line beginning at Augusta and extending along U.S. Highway 1 to Louisville, thence along Georgia Highway 24 to junction Georgia Highway 22, and thence along Georgia Highway 22 through Macon to Columbus, and points in that part of North Carolina and South Carolina on, north, and west of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of Clarksburg and Wheeling, W. Va.

No. MC-95540 (Sub-No. E4), filed April 11, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Sioux City, Iowa, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

No. MC-95540 (Sub-No. E54), filed April 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E55), filed April 15, 1974. Applicant: WATKINS, MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida to points in Oregon. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC-95540 (Sub-No. E35), filed April 15, 1974. Applicant: WATKINS, MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida on, east, and south of a line beginning at St. Marys River, thence south along U.S. Highway 17 to Palatka, thence along Florida Highway 20 to intersection with Florida Highway 19, thence along Florida Highway 19 to junction with U.S. Highway 441, thence along U.S. Highway 441 to Leesburg, thence along Florida Highway 33 to Polk City, thence along Interstate Highway 4 to Lakeland, thence along U.S. Highway 98 to junction with Florida Highway 60, thence along Florida Highway 60 to junction with U.S. Highway 17, thence along U.S. Highway 17 to Punta Gorda, thence along U.S. Highway 41 to Naples on the Gulf of Mexico, to points in Alabama. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-99540 (Sub-No. E44), filed April 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. 59), filed April 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in Ohio. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E60), filed April 16, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E69), filed April 18, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Illinois. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E72), filed April 18, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and dairy products* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

No. MC–95540 (Sub-No. E76), filed April 18, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Virginia west of a line beginning at the Chesapeake Bay and U.S. Highway 360, thence along U.S. Highway 360 to its junction with U.S. Highway 17, thence along U.S. Highway 17, to its junction with the Colonial National Parkway, thence along said Parkway to its junction with Virginia Highway 5, thence along Virginia Highway 5 to its junction with Virginia Highway 156, thence along Virginia Highway 156 to its junction with Virginia Highway 10, thence along Virginia Highway 10 to its junction with Virginia Highway 36, thence along Virginia Highway 36 to Petersburg, Va., thence along Interstate 85 to the Virginia-North Carolina state line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–109772 (Sub-No. E1), filed April 21, 1974. Applicant: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson Avenue, Los Angeles, California 90040. Applicant's representative: Arthur J. Woodard (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New and used automobiles, trucks, and buses* (except those which have been repossessed, embezzled, stolen, or wrecked, and except trailers), in secondary movements, in truckaway service, between points in Utah and points in that part of California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, Calif.; and (2) *new and used motor vehicles* (except trailers, trucks, and used motor vehicles which have been repossessed, embezzled, stolen, or damaged), in secondary movements, in truckaway service, between points in Utah and points in that part of California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, Calif. The proposed operations are restricted as follows: in (1) above, restricted against the use of these rights in conjunction with any operating rights in driveaway or truckaway service, in initial movements, held by Dallas & Mavis Forwarding Co., Inc., for the through transportation of traffic under such combination; in (2) above, restricted against the transportation of new motor vehicles in connection with the rights held by Dallas & Mavis Forwarding Co., Inc., through interline, for the through transportation of traffic under such combination; and in (1) and (2) above, restricted against the transportation of new motor vehicles which are in the course of a continuous movement from a point of manufacture or assembly in Michigan, Indiana, and Wisconsin. The purpose of this filing is to eliminate the gateway of points in Arizona in (1); points in Nevada in (2).

No. MC–112822 (Sub-No. E6), filed April 19, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargine, table sauces, table spreads, salad dressing, vegetable oils, shortening, lard, tallow and animal fats*, in cans, from the plantsites and storage facilities of Anderson, Clayton & Co., at Sherman, Tex., to points in Nevada. The purpose of this filing is to eliminate the gateway of Delta, Colo.

No. MC–112822 (Sub-No. E8), filed April 19, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Jacksonville, Ill., to points in California. The purpose of this filing is to eliminate the gateway of Delta, Colo.

No. MC–112822 (Sub-No. E9), filed April 21, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74025. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine*, from the plantsites and storage facilities of Anderson, Clayton & Co., at Jacksonville, Ill., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC–112822 (Sub-No. E14), filed April 21, 1974. Applicant: BRAG LINES, INCORPORATED, P.O. Box 1191, Cushing, Oklahoma 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine*, from the plant site or storage facilities of Kent Products, Inc., at Kansas City, Mo., to points in Arizona, California, Colorado, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC–112822 (Sub-No. E16), filed April 22, 1974. Applicant: BRAY LINES, INCORPORATED, P.O. Box 1191, Cushing Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California to points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC–114019 (Sub-No. E1), filed April 28, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Glassware, glass containers and accessories therefor,* and *paper cartons* used in the packing and shipping of glassware and glass containers, restricted to the transportation of shipments when moving from, to, or between glassware manufacturing plants or warehouses or other facilities of such plants, or when moving from, to, or between warehouse plants, or other facilities of food packing and processing plants, from Lancaster, Ohio, to points in Missouri, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, and Nebraska. The purpose of this filing is to eliminate the gateways of Richmond, Ind., and Streator, Ill.

No. MC–114019 (Sub-No. E2), filed April 28, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paperboard and paperboard products,* restricted to shipments when moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants, from points in Wisconsin and Iowa to Detroit, Mich. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E3), filed April 28, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Glassware, NOI, other than cut, glass containers,* common or parts thereof, viz, bottles, except siphon bottles and bottles fitted with siphons; *jars and packing glasses,* not exceeding 5 gallons in capacity, with or without their equipment of caps, covers, or stoppers; *caps, covers or tops* (other than display) for bottles, glassware, or jars, not otherwise indexed by name; and *paper shipping cartons,* from South Connellsville, Pa., to points in Missouri, Wisconsin, and Iowa. (2) *Glass containers* (except siphon bottles and bottles fitted with siphons), covers, caps, and accessories for glass containers and paper shipping cartons, from South Connellsville, Pa., to points in Minnesota, North Dakota, South Dakota, and Nebraska, Restricted in (1) and (2) above, to the transportation of shipments when moving from, to, or between glassware manufacturing plants, or warehouses or other facilities at such plants, or when moving from, to, or between warehouses, plants, or other facilities of food packing and processing plants. The purpose of this filing is to eliminate the gateway of Richmond, Ind., and/or Streator, Ill.

No. MC–114019 (Sub-No. E4), filed April 28, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (a) *Glassware, glass containers, and closures* thereof and *accessories* therefore, and *paper cartons* used in the packing of glass articles, from Zanesville, Ohio, to points in Missouri, Wiscosnin, Illinois, Iowa, and the Upper Peninsula of Michigan; (b) *glass containers, covers, caps, and accessories,* therefore, and *paper cartons* used in the packing and shipping of glass containers, from Zanesville, Ohio, to points in Minnesota, North Dakota, South Dakota, and Nebraska. The authority described in (a) and (b) above, restricted to the transportation of shipments moving from, to, or between glassware manufacturing plants, or warehouses or other facilities of such plants, or when moving from, to, or between warehouses, plants, or other facilities of food packing and processing plants. The purpose of this filing is to eliminate the gateway of Richmond, Ind., and Streator, Ill.

No. MC–115331 (Sub-No. E1), filed April 15, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Ave., East Saint Louis, Ill. 62201. Applicant's representative: J. R. Ferris (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals* (except liquid fertilizers, liquid oxygen, liquid hydrogen, and liquid nitrogen), in bulk, in tank vehicles, (a) from Selma, Mo., and points within 5 miles of Selma, Mo., to points in Michigan and Wisconsin; and (b) from the plant site of Foster Grant Co., Inc., at Peru, Ill., to points in Missouri and Nebraska; (2) *liquid chemicals,* in bulk, in tank vehicles, (a) from Selma, Mo., and points within 5 miles of Selma, Mo., to points in Minnesota and Texas (except points in Texas on and north of U.S. Highway 70 and points in Chambers, Montgomery, Harris, Ft. Bend, Galveston, Liberty, and Brazaria Counties), and points in Louisiana (except those points which lie on and east of a line beginning at the Arkansas-Louisiana State Boundary line thence south along U.S. Highway 165 to its junction with U.S. Highway 84, thence easterly along U.S. Highway 84 to the Louisiana-Mississippi State Boundary Line); (b) from the plant sites of the Olin-Mathieson Chemical Corporation at or near Ordill, Ill., to points in the Upper Peninsula of Michigan, Minnesota, Texas (except points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazaria Counties), and Wisconsin; and (c) from the plant site of the Hawkeye Chemical Company at or near Clinton, Iowa, to points in Arkansas, Louisiana, Oklahoma, and Tennessee; and (3) *chemicals, in bulk,* from Port Neal Industrial Complex and Big Soo Terminal and the plant sites of and warehouse and storage facilities utilized by Terre International, Inc., American Cyanamid Company and Monsanto Company, located in Woodbury County, Iowa, and Dakota County, Nebr., to points in Louisiana and Mississippi; restricted in (1), (2), and (3) against the transportation of (i) Spent catalyst to points in Louisiana and Texas, and (ii) fertilizer and fertilizer ingredients to points in Louisiana. The purpose of this filing is to eliminate in (1)(a) the gateway at the plant site of Foster Grant Co., Inc., at Peru, Ill.; in (1)(b) the gateway at the plant site of the Hawkeye Chemical Company at or near Clinton, Iowa; in (2)(a) the gateway of Malvern, Ark.; in (2)(b) the gateway at the plant site of the Hawkeye Chemical Company at or near Clinton, Iowa, and Malvern, Ark.; in (2)(c) the gateway at Selma, Mo., and points within 5 miles of Selma, Mo., and Malvern, Ark.; and in (3) the gateway of Malvern, Ark.

No. MC–128383 (Sub-No. E5), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Washington National Airport, Gravelly Point, Va., and Broome County Airport, Broome County, N.Y., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County, N.Y.

No. MC–128383 (Sub-No. E12), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Logan International Airport, Boston, Mass., and Newark Airport, Newark, N.J., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Tweed-New Haven Airport, New Haven County, Conn.

No. MC–128383 (Sub-No. E18), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Greater Buffalo International Airport, Erie County, N.Y., and Philadelphia International Airport, Philadelphia, Pa., restricted to the transportation of

traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County, N.Y.

No. MC–128383 (Sub-No. E19), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles) between La Guardia Airport, New York, N.Y., and Rochester-Monroe County Airport, Monroe County, N.Y., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County, N.Y.

No. MC–128383 (Sub-No. E20), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Rochester-Monroe County Airport, Monroe County, N.Y., and Friendship International Airport, Anne Arundel County, Md., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County, N.Y.

No. MC–128383 (Sub-No. E21), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Rochester-Monroe County Airport, Monroe County, N.Y., and Washington National Airport, Gravelly Point, Va., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport. Chemung County, N.Y.

No. MC–128383 (Sub-No. E35), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Philadelphia International Airport, Philadelphia, Pa., and Clarence E. Hancock Airport, Onondaga County, N.Y., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County, N.Y.

No. MC–128383 (Sub-No. E36), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General cammodities* (except commodities in bulk and automobiles), between Broome County Airport, Broome County, N.Y., and Dulles International Airport, Fairfax and Loudoun Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–10701 Filed 5–8–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 6, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 19, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–11207 (Sub-No. E3), filed April 25, 1974. Applicant: DEATON, INC., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: C. N. Knox (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, insulation board, fiberboard, pulpboard, and wallboard, and parts, materials, and accessories incidental to the transportation and installation thereof*, from the plant and warehouse sites of the United States Gypsum Company in Pittsylvania County, Va., located at or near Danville, Va., to points in Oklahoma and Texas, and to points in Arkansas in and west of the counties of Phillips, Arkansas, Lonoke, Faulkner, Van Buren, Searcy, and Boone (except Little Rock in Pulaski County and Fort Smith in Crawford County). The purpose of this filing is to eliminate the gateway of Greenville, Miss.

No. MC–25798 (Sub-No. E18), filed April 28, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Florida 33823. Applicant's representative: Tony G. Russell (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Waynesville, N.C., to points in Florida, and points in Georgia on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Canton, N.C.

No. MC–65941 (Sub-No. E 2), filed April 11, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and tops therefor, corrugated boxes and sheets, and wooden bottle carriers*, from points in that part of Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 422 to Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the point of beginning including points on the indicated portions of the highways specified to Martinsville, Va., and points in North Carolina and South Carolina on, north, and west of U.S. Highway 1, and points in Georgia on and north of a line extending from the Atlantic Ocean along U.S. Highway 80 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway of Fairmont and Parkersburg, W. Va.

No. MC–95540 (Sub-No. E 24), filed April 14, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*, from points in Florida on and east of a line beginning at the Florida-Georgia State Boundary line, thence south along U.S. Highway 319 to Medort, thence along U.S. Highway 98 to Ochlockonee Bay, thence along Ochlockonee Bay to the Gulf of Mexico, to points in Mississippi on and north of a line begin-

ning at the Mississippi-Alabama State Boundary line, thence along Mississippi Highway 12 to Columbus, thence along U.S. Highway 82 to Starkville, thence along Mississippi Highway 12 to Kosciusko, thence along Mississippi Highway 43 to junction with Mississippi Highway 16, thence along Mississippi Highway 16 to Canton, thence along Interstate Highway 55 to Jackson, thence along Mississippi Highway 18 to Port Gibson, thence along Mississippi Highway 552 to the Mississippi-Louisiana State boundary. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E65), filed April 18, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Tifton, Fla.

No. MC–95540 (Sub-No. E66), filed April 18, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E68), filed April 18, 1974. Applicant: WATKINS TRUCK LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in New York. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E79), filed April 18, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Delaware. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E80), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in California on and south of a line beginning at San Francisco, thence along Interstate Highway 80 to Oakland, thence along Interstate Highway 580 to Manteca, thence along California Highway 120 to Benton Station, thence along U.S. Highway 6 to the California-Nevada State line, to points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Pennsylvania Highway 15 to Harrisburg, thence along Interstate Highway 81 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E87), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in California to points in Delaware. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E88), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in California on and south of Interstate Highway 8, to points in Maryland. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E90), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in California on and south of a line beginning at San Francisco, thence along Interstate Highway 80 to Oakland; thence along Interstate Highway 580 to the junction with California Highway 120 thence along California Highway 120 to Benton Station; thence along U.S. Highway 6 to the California-Nevada State line, to points in Maryland. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E94), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Texas. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E95), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E96), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Fremont, Nebraska, to points in Florida on and east of Florida Highway 85. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E97), filed April 19, 1974. Applicant: WATKINS

MOTOR LINES, INC., P.O. Box 1636, Atlanta, GA 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, GA 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Connecticut. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E98), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, GA 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Michigan. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E99), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, GA 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and south of Interstate Highway 8 to points in Maryland. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E100), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–100666 (Sub-No. E19), filed April 22, 1974. Applicant: MELTON TRUCK LINES, INC., 1129 Grimmett Drive, P.O. Box 7666, Shreveport, Louisiana 71107. Applicant's representative: Richard W. May (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic tubing, plastic conduit, valves, fittings, compound, joint sealer, bonding cement, and accessories* used in the installation of such products (except commodities in bulk), from Waco, Tex., to Poplar Bluff and Sikeston, Mo., and points in that part of Missouri east and south of a line beginning at the junction of Interstate Highway 67 and the Missouri-Arkansas state line, thence north on Interstate Highway 67 to the junction of Interstate Highway 67 and Interstate Highway 60, thence east on Interstate Highway 60 to the Mississippi River. The purpose of this filing is to eliminate the gateway of Little Rock, Ark. (2) *Plastic pipe, tubing, conduit, valves, fittings, and accessories* used in the installation of such products (except oil-field commodities as described by the Commission in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), and *compound joint sealer* and *bonding cement* (except in bulk), from Waco, Tex., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Mount Vernon, Tex.

No. MC–112822 (Sub-No. E5), filed April 19, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit and tomato juice*, from Kennewick, Wash., to points in Kansas, Missouri, and Oklahoma. The purpose of this filing is to eliminate the gateway of La Jara, Colo.

No. MC–112822 (Sub-No. E7), filed April 19, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dairy products), from Chicasha, Okla., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Macon, Milan, Marshall, Moberly, or Carrolltown, Mo.

No. MC–112822 (Sub-No. E11), filed April 21, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine*, from the plantsites and storage facilities of Anderson, Clayton & Co., at Jacksonville, Ill., to points in Idaho, Montana, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC–112822 (Sub-No. E18), filed April 28, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Oklahoma 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in packages and containers, from Casper, Wyo., to points in Alabama, Arkansas, Louisiana, Mississippi, and that part of Missouri on and south of U.S. Highway 50 and on and east of a line beginning at Jefferson City, Mo., and extending along U.S. Highway 54 to Camdenton, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U.S. Highway 66 to Springfield, Mo., thence along U.S. Highway 65 to the Arkansas-Missouri State line (except points in the St. Louis commercial zone as defined by the Commission). The purpose of this filing is to eliminate the gateway of Coffeyville, Wichita, or El Dorado, Kans., or points in Kansas within the Kansas City, Mo.-Kansas City, Kans., commercial zone as defined by the Commission.

No. MC–112822 (Sub-No. E19), filed April 28, 1974. Applicant: BRAY LINES, INCORPORATED, P.O. Box 1191, Cushing, Oklahoma 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in packages and containers, from Wichita, Kans., to points in Colorado. Restriction: The authority above is restricted against traffic having a prior movement by rail from Houston, Tex. The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC–112822 (Sub-No. E21), filed April 28, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from Wichita, Kans., to points in Nevada. The purpose of this filing is to eliminate the gateway of Ponca City, Okla.

No. MC–112822 (Sub-No. E23), filed April 28, 1974. Applicant: BRAY LINES, INCORPORATED, P.O. Box 1191, Cushing, Oklahoma 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in containers, from Casper, Wyo., to points in Georgia. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC–112822 (Sub-No. E24), filed April 28, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Oklahoma 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Wichita, Kans., to points in Idaho, Montana, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Casper, Wyo.

No. MC–112822 (Sub-No. E25), filed April 28, 1974. Applicant: BRAY LINES INCORORATED, P.O. Box 1191, Cushing, OK 74023. Applicant's representative: Robert A. Stone (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from El Dorado, Kans., to points in Idaho, Montana, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Casper, Wyo.

No. MC–112822 (Sub-No. E26), filed April 28, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Oklahoma 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from El Dorado, Kans., to points in Utah. The purpose of this filing is to eliminate the gateway of Enid and Ponca City, Okla.

No. MC–128383 (Sub-No. E13), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Logan International Airport, Boston, Mass., and Friendship International Airport, Anne Arundel County, Md., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Tweed-New Haven Airport, New Haven County, Conn.

No. MC–128383 (Sub-No. E22), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Greater Buffalo International Airport, Erie County, N.Y., and Newark Airport, Newark, N.J., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County, N.Y.

No. MC–128383 (Sub-No. E23), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Greater Buffalo International Airport, Erie County, N.Y., and John F. Kennedy International Airport, New York, N.Y., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County, N.Y.

No. MC–128383 (Sub-No. E24), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Clarence E. Hancock Airport, Onondaga County, N.Y., and Friendship International Airport, Anne Arundel County, Md., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County, N.Y.

No. MC–128383 (Sub-No. E25), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Greater Buffalo International Airport, Erie County, N.Y., and Dulles International Airport, Fairfax and Loudoun Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Jamestown Municipal Airport, Chatauqua County, N.Y.

No. MC–128383 (Sub-No. E32), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Newark Airport, Newark, N.J., and Clarence E. Hancock Airport, Onondaga County, N.Y., restricted to the transportation of traffic having prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County, N.Y.

No. MC–128383 (Sub-No. E34), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobile), between Clarence E. Hancock Airport, Onondaga County, N.Y., and Dulles International Airport, Fairfax and Loudoun Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County, N.Y.

No. MC–128383 (Sub-No. E33), filed April 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobile), between Rochester-Monroe County Airport, Monroes County, N.Y., and Newark Airport, Newark, N.J., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Chemung County Airport, Chemung County, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–10734 Filed 5–8–74;8:45 am]

[Notice 75]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 29, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75064. By order entered May 2, 1974, the Motor Carrier Board approved the transfer to William A. Long, Inc., Bealeton, Va., of the operating rights set forth in Permits Nos. MC–134129 (Sub-No. 2) and MC–134129 (Sub-No. 4), issued October 15, 1970, and September 19, 1972, respectively, to William A. Long, Bealeton, Va., authorizing the transportation of culvert pipe, culvert sectional plate, and couplings and coatings for culvert pipe and sections, from Cessna, Pa., to Bealeton, Va.; cul-

vert banding and coupling material, coatings, and steel plates used in the manufacture of culvert pipe and couplings, from Bealeton, Va., to Cessna, Pa.; steel coil, from the plant site of Bethlehem Steel Corporation, at Sparrows Point, Md., to Cessna, Pa.; culvert pipe, culvert sectional plate, and couplings and coatings for culvert pipe and sections, from Bealeton and Dublin, Va., to points in North Carolina and West Virginia; from Cessna, Pa., to Dublin, Va., and points in North Carolina; and from Ashland, Ky., to Bealcton and Dublin, Va., and points in West Virginia, under a continuing contract or contracts with Lane Junita Inc., of Bedford, Pa., and its affiliate Lane-Pencarva, Inc., of Bealeton, Va. Daniel B. Johnson, 1123 Munsey Building, 1329 E Street NW., Washington, D.C. 20004, attorney for applicants.

No. MC-FC-75090. By order entered May 1, 1974, the Motor Carrier Board approved the transfer to Austin W. Hulcher, doing business as Hulcher Trucking, Virden, Ill., of the operating rights set forth in Certificates Nos. MC-69981, MC-69981 (Sub-No. 9), and MC-69981 (Sub-No. 11), issued February 2, 1960, March 6, 1962, and November 20, 1969, respectively, to Adolph E. Hulcher (Austin W. Hulcher, Executor) and Austin Hulcher, doing business as A. E. Hulcher & Son, Virden, Ill., authorizing the transportation of washing machines, ironers, and supplies and parts therefor, laundry driers, home deep freezers and parts thereof, ranges and parts thereof, freezers, underground water-main pipe and fittings and fire hydrants and fittings, and electric garbage disposal units, from, to, or between specified points in Illinois, Iowa, and Missouri. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

No. MC-FC-75110. By order entered May 3, 1974, the Motor Carrier Board approved the transfer to Murray Rude Services, Inc., Brooklyn, N.Y., of the operating rights set forth in Certificate No. MC-124619 (Sub-No. 1), issued December 12, 1963, to Rude System of Towing, Inc., Brooklyn, N.Y., authorizing the transportation of wrecked and disabled motor vehicles and replacements thereof, fork lift trucks, car and truck cranes, and house trailers, by use of wrecker equipment, between points in New York, Vermont, Rhode Island, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Virginia, Maine, and the District of Columbia. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-75121. By order entered May 3, 1974, the Motor Carrier Board approved the transfer to Bodo Transport, Inc., Jersey City, N.J., of the operating rights set forth in Certificate No. MC-129000, issued July 9, 1971, to Conduit Rapid Delivery Co., Inc., New York, N.Y., authorizing the transportation of general commodities, with the usual exceptions, between New York, N.Y., on the one hand, and, on the other, Bayonne, Clifton, East Paterson, Edgewater, Haledon, Hawthorne, Jersey City, Passaic, Paterson, Totowa, and Weehawken, N.J. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for transferee and Martin Werner, 2 West 45th St., New York, N.Y. 10036, attorney for transferor.

No. MC-FC-75124. By order of May 3, 1974, the Motor Carrier Board approved the transfer to Rollie W. McIntosh, doing business as McIntosh Trucking, Cincinnati, Ohio, of the operating rights in Permit No. MC-133658 issued March 18, 1970 to R. L. Booth, Cincinnati, Ohio, authorizing the transportation of casting, patterns, and parts thereof between a specified plant site at Cincinnati, Ohio, on the one hand, and, on the other, Connersville and Richmond, Ind. John L. Alden, 50 West Broad St., Columbus, Ohio, 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-10737 Filed 5-8-74;8:45 am]

[Notice 63]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 1, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 503 TA), filed April 24, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Box zip 50704, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail department stores, from Bayonne, N.J., to Detroit, Southfield, South Gate, Roseville, and Madison Heights, Mich., and St. Louis, Mo. for 180 days. SUPPORTING SHIPPER: Korvettes, Division of Arlen Realty & Develop. Corp., 450 West 33rd St., New York, N.Y. 10001. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 48423 (Sub-No. 4 TA), filed April 19, 1974. Applicant: G. E. BELMORE, doing business as MOTOR TRANSIT COMPANY, 5822 N. Interstate Avenue, Portland, Oreg. 97217. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals* and junk automobiles, from the International Boundary line (United States-Canada) at or near Blaine, Wash., to Seattle, Kent, and Tacoma, Wash., and Eugene and Portland, Oreg., for 180 days. SUPPORTING SHIPPER: Moffat Scrap Metal Yard, 1277 Mitchell Road, Vancouver, British Columbia, Canada. SEND PROTESTS TO: District Supervisor Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 106398 (Sub-No. 704 TA), filed April 17, 1974. Applicant: NATIONAL TRAILERS CONVOY, INC., 525 South Main Street, P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in McCurtain County, Okla., to points in Texas, Arkansas, Louisiana, Missouri, and New Mexico, for 180 days. SUPPORTING SHIPPER: Mike Hopper, Pres. & Gen. Mgr., Beachwood Mobile Homes, Box 629, Highway 70 West, Idabel, Okla. 74745. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240-Old P.O. Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 109584 (Sub-No. 153 TA), filed April 23, 1974. Applicant: ARIZONA-PACIFIC TANK LINES, a Corporation, 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry juice*, in bulk, in tank vehicles, from Markham, Wash., to Visalia, Calif., for 180 days. SUPPORTING SHIPPER: Real Fresh, Inc., P.O. Box 1551, Visalia, Calif. 93277. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 117160 (Sub-No. 6 TA), filed April 25, 1974. Applicant: ROBERTS CARTAGE, INC., 2088 South Arlington Street, P.O. Box 7162, Akron, Ohio 44306. Applicant's representative: Robert W. Oliver, 1100 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives), restricted to shipments having prior or subsequent movement by aircraft or moving in substituted service for air transportation, between Cleveland-Hopkins Airport, Cleveland, Ohio, and Greater Pittsburgh Airport, Allegheny County, Pa., for 180 days. SUPPORTING SHIPPERS: The Flying Tiger Line, Inc., Cleveland-Hopkins Airport, Cleveland, Ohio; American Airlines, Cleveland-Hopkins Airport, Cleveland, Ohio; Emery Air Freight Corp., 17831 Englewood Drive, Middleburgh Hts., Ohio 44130; and Jet Air Freight, Cargo Road, United Cargo Bldg., Cleveland, Ohio 44135. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 118159 (Sub-No. 143 TA), filed April 24, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Alabama, Florida, Georgia, North Carolina, Mississippi, Tennessee, South Carolina, Arkansas, Louisiana, Illinois, Indiana, Kentucky, Michigan, Wisconsin, and Ohio, restricted to traffic originating at and destined to the named points, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., Ralph L. McGee, General Traffic Manager, 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 119777 (Sub-No. 294 TA), filed April 23, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Slocomb, Ala. and Colfax, N.C., to Addison, Ill., Jacksonville, Fla., Atlanta, Ga., Lakeland, Fla., Baltimore, Md., Lincoln Park, N.J., Billings, Mont., Los Angeles, Calif., Bloomington, Minn., Memphis, Tenn., Buffalo, N.Y., Miami, Fla., Canton, Mass., Milwaukee, Wis., Charlotte, N.C., New Orleans, La., Chicago, Ill., North Kansas City, Mo., Chillicothe, Ohio, Philadelphia, Pa., Cincinnati, Ohio, Phoenix, Ariz., Cleveland, Ohio, Pittsburgh, Pa., Columbia, Md., Pocatello, Idaho, Daly City, Calif., Portland, Oreg., Denver, Colo., Sacramento, Calif., East Rutherford, N.J., Santa Fe Springs, Calif., Emeryville, Calif., St. Louis, Mo., Farmers Branch, Tex., San Jose, Calif., Fort Lauderdale, Fla., Seattle, Wash., Fort Myers, Fla., Spokane, Wash., Fresno, Calif., Tampa, Fla., Great Falls, Mont., Taylor, Mich., Houston, Tex., Tulsa, Okla., Indianapolis, Ind., and West Palm Beach, Fla., for 180 days. SUPPORTING SHIPPER: Mr. Gerald L. Hoch, Manager—Distribution, ITT—Grinnell Corporation, 260 West Exchange Street, Providence, R.I. 02901. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 123255 (Sub-No. 42 TA), filed April 24, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from Lancaster, Ohio, to Boston, Mass., and its commercial zone; Edison, N.J., New York, N.Y., and its commercial zone; Philadelphia, Pa., and its commercial zone; and Buffalo, N.Y., and its commercial zone, for 180 days. SUPPORTING SHIPPER: Anchor Hocking Corporation, Broad and Main Streets, Lancaster, Ohio 43130. SEND PROTESTS TO: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 124078 (Sub-No. 592 TA), filed April 24, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Limedale, Ind., to Philadelphia, Pa., for 180 days. SUPPORTING SHIPPER: Lone Star Industries, Inc., 2511 East 46th Street, Indianapolis, Ind. 46205 (W. R. Payne, Jr., Regional Vice President). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124221 (Sub-No. 44 TA), filed April 23, 1974. Applicant: HOWARD BAER, P.O. Box 27, Route 98W, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable fat, frozen desserts, water ices, and dairy products* (except in bulk, in tank vehicles), from the plant and warehouse facilities of Merritt Foods Company, Kansas City, Mo., to points in the United States in and east of the states of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, restricted to a continuing contract or contracts with Howard Baer, for 180 days. SUPPORTING SHIPPER: Merritt Foods Company, 2840 Guinotte, Kansas City, Mo. 64120. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 126196 (Sub-No. 9 TA), filed April 24, 1974. Applicant: LUVERNE S. CHRISTENSEN, doing business as CHRISTENSEN TRUCK LINE, 206 West 11th Street, Redwood Falls, Minn. 56283. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and agricultural equipment and attachments, parts, and accessories* for agricultural machinery and agricultural equipment from the plantsites, storage facilities, and experimental farms of: (1) Deere and Company located in Rock Island County, Ill. and Polk, Wapello, Dubuque, and Blackhawk Counties, Iowa; and (b) International Harvester Company located in Rock Island and Fulton Counties, Ill., to points in Yellow Medicine, Renville, Lyon, Redwood, Kandiyohi, McLeod, Swift, Lac Qui Parle, Watonwan, Brown, Nobles, Murray, Sibley, Lincoln, and Chippewa Counties, Minn., for 180 days. SUPPORTING SHIPPERS: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 128030 (Sub-No. 65 TA), filed April 22, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, R.R. #1, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crates, towers, water cooling air conditioners* with or without blowers or fans and *parts thereof*, from Paxton, Ill., to points in Florida, New York, Maryland, Ohio, New Jersey, Pennsylvania, and the District of Columbia; and between plantsite of Baltimore Aircoil at Paxton, Ill., and plantsite of Baltimore Aircoil in Baltimore, Md., for 180 days. SUPPORTING SHIPPER: Mr. George E. Klein,

Traffic Manager, Baltimore Aircoil Company, Inc., R.R. #2, Box 7, Paxton, Ill. 60957. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128279 (Sub-No. 23 TA), filed April 23, 1974. Applicant: ARROW FREIGHTWAYS, INC., P.O. Box 25125, 150 Woodward Road SE., Albuquerque, N. Mex. 87125. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albiquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, requiring special unloading equipment, from Denver and Pueblo, Colo., to points in New Mexico, for 180 days. SUPPORTING SHIPPER: The Summit Pressed Brick and Tile Company, P.O. Box 533, Pueblo, Colo. 81002. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 135082 (Sub-No. 7 TA), filed April 23, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, requiring special unloading equipment, from Denver, Colo., Pueblo and Trinidad, Colo., to points in New Mexico, for 180 days. SUPPORTING SHIPPER: The Summit Pressed Brick and Title Company, P.O. Box 533, Pueblo, Colo. 81002. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building; 517 Gold Avenue SW., Albuquerque, N.Mex. 87101.

No. MC 138036 (Sub-No. 5 TA), filed April 25, 1974. Applicant: J & S, INC., 127 Larchfield Drive, McKeesport, Pa. 15135. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail drug and variety stores, and *equipment, materials, and supplies* used in the conduct of such business (excluding commodities in bulk), between the facilities of Thrift Drug Division of J. C. Penney Company, Inc., in Falls Township (Bucks County), Pa., on the one hand, and, on the other, points in Georgia, Kentucky, North Carolina, South Carolina, and Tennessee, under a continuing contract or contracts with Thrift Drug Division of J. C. Penney Co., Inc., of New York, N.Y., for 180 days. SUPPORTING SHIPPER: Thrift Drug Division of J. C. Penney Company, Inc., 615 Alpha Drive, Pittsburgh, Pa. 15238. SEND PROTESTS TO: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 138328 (Sub-No. 12 TA), filed April 22, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and dry feed ingredients* (except in tank vehicles), from Buhl, Idaho, to points in Arizona, Idaho, Iowa, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Rangen, Inc., Thorleif Rangen, Secretary-Treasurer, P.O. Box 706, Buhl, Idaho 83316. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, 110 North 14 St., Omaha, Nebr. 68102.

No. MC 139730 TA, filed April 23, 1974. Applicant: WOOD TRUCKING, INC., P.O. Box 4065, Macon, Ga. 31208. Applicant's representative: William Addams, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bulk, in dump trucks, from points in Jones County, Ga., to points in Florida in and north of Volusia, Lake, Sumter, and Citrus Counties, for 180 days. SUPPORTING SHIPPER: Hitchock Corporation, P.O. Box 2206, Macon, Ga. 31208. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St. NW., Room 309, Atlanta, Ga. 30309.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-10735 Filed 5-8-74;8:45 am]

[Ex Parte No. 305]

NATIONWIDE INCREASE OF TEN PERCENT IN FREIGHT RATES AND CHARGES, 1974

Authority To File

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of May 1974.

It appearing, that, as set forth in some detail in the order herein denying the request for short notice, entered on April 29, 1974, most of the nation's railroads [1] and certain connecting water and motor carriers seek authority to publish a nationwide general increase of 10 percent in freight rates and charges, subject to unidentified exceptions, and subject to a refund rule;

[1] The Long Island Rail Road did not join in the petition.

It further appearing, that in the report in Ex Parte No. 295, Increased Freight Rates and Charges, 1973, Nationwide, 344 I.C.C. 589, it was required that in future proposals for general increases by the railroads a showing should be made regarding (1) efforts to update tariffs and (2) efforts to improve service, that while no reference is made to (1) in the petition and accompanying statements, the carriers have been complying with the requirement in the report in Ex Parte No. 295 by filing periodic reports of the progress in tariff updating, and that a showing has been made with respect to the other matter.

It further appearing, that the data accompanying petition shows that the proposed increase would produce additional revenues of $1.5 billion ($505 million in the East, $272 million in the South, and $723 million in the West); and that it would improve the railroads' rate of return from 3.08 to 5.27 percent nationally (from 0.56 to 2.99 in the East, from 5.40 to 7.48 in the South, and from 4.21 to 6.26 in the West);

It further appearing, that, referring to the Commission's reference, in the report in Ex Parte Nos. 265 and 267, Increased Freight Rates 1970 and 1971, 339 I.C.C. 125, 181–182, to a rate of return of 6 percent on net investment and the statement that such a return represents what "the respondents must make every effort to attain if they are to be in a position to provide the improved services which will be needed in the future," the petitioners urge that the proposed 10 percent increases, resulting in a national rate of return of 5.27 percent, would be consistent with that position;

It further appearing, that the petitioners contend that they are in urgent need of additional revenue for necessary maintenance and capital investment to prevent deterioration of the properties used to perform the service and to expand service to meet the demand; that since the filing of the proposed increase in pending Ex Parte No. 303, Increased Freight Rates and Charges, 1974, Nationwide, the price of materials alone has increased by $475 million and other operating expenses by $175 million, and that taxes will increase by $282 million; and that the remaining $568 million to be realized from the proposed increase presumably would be used to improve "the ability of the railroad system to meet the transportation requirement of the country;"

If further appearing, that is consideration of the evidence submitted to show that additional revenue is required to offset inflated prices of materials, to improve maintenance, and to increase net railway operating income to a level indicated by the Commission to be required in the report in Ex Parte Nos. 265 and 267, and especially in view of the need of certain railroads to improve their cash flow within the reasonably near future to continue operations, the railroads should be authorized to file the proposed increase to become effective on not less than 30 days' notice, subject to protests and suspension;

It further appearing, that as previously indicated, the carriers seek a 10 percent increase in their rates and charges, subject, however, to certain exceptions which they have not identified; that since the filing of the petition, official notice is taken of a news item suggesting that some carriers, in certain instances, do not intend to increase their rates and charges on certain commodities at all, and, some carriers, in other instances, intend to apply an increase of less than 10 percent to certain commodities; and, that in order for the general public to have an overall view of the proposal, the carriers should, upon the filing of the tariffs or schedules implementing the authority herein granted, set forth a complete list of exceptions, if any, to the general proposal, including holddowns, flagouts, and provisions for no increases, and, the special permission order so provides; therefore,

It is ordered, That a proceeding be, and it is hereby, instituted into the revenue needs of the railroads of the United States, and that all common carriers by railroad subject to the Interstate Commerce Act be, and they are hereby made respondents hereto.

It is further ordered, That in publishing the proposed increase in accordance with the special permission authority hereinafter granted, subject to protest and suspension, the schedules shall be published to become effective on June 5, 1974, upon not less than 30 days' notice, and shall include the refund provision prescribed in said permission.

It is further ordered, That protests and verified statements in opposition shall be filed to reach the Commission on or before May 24, 1974 (12 days prior to the published effective date of the proposed schedules), and replies thereto will be due 5 days thereafter, or on May 29, 1974; that the verified statements will be considered as protests and will be made a part of the formal record, along with those filed by the respondents in support of the proposal. All protests, by wire and otherwise, received previously will be considered as such. For the Commission's use, the original and 24 copies of all documents to be filed in accordance with this order should be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, Room 5342, but a lesser number of copies may be filed upon a showing of good cause. One copy of each document shall be served (except that where parties are able to do so, 25 copies should be served) upon the representative of the petitioning railroads, Mr. Thormund A. Miller, American Railroads Building, Room 527, 1920 L Street NW., Washington, D.C. 20036.

It is further ordered, That any person or persons believing that the tariff proposal filed hereunder will have a significant effect upon the quality of the human environments are hereby invited to comment upon this matter in any statements that may be filed.

It is further ordered, That the request for fourth-section relief will be considered following the filing of protests and statements in opposition and of replies thereto.

And it is further ordered, That in all other respects the petition be, and it is hereby, denied.

[Special Permission No. 74-3440]

It is ordered, For good cause shown:

1. All petitioning railroads, and water and motor carriers to the extent they have joint rates with said railroads, and their tariff-publishing agents, be, and they are hereby, authorized to depart from the Commission's tariff-publishing rules to publish and file tariffs, to become effective on June 5, 1974, upon not less than 30 days' notice to the Commission and to the public, providing for increased rates and charges as set forth in the petition.

(a) By publication and filing of a master tariff of increased rates and charges, and supplements thereto, providing increases by means of conversion tables of rates and charges, which shall include, and maintain in effect, a refund provision reading as follows:

In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increases resulting from the application thereof and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission with 4 percent interest.

In the event an increase resulting from the application of this tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increases collected with 4 percent interest.

The master tariff shall bear an expiration date not beyond one year after the effective date, which may not be canceled or extended except upon specific authorization of this Commission, and all relief herein expires with that date. The master tariff must initially contain all provisions for application of the increases (including provisions for no increases, if any) following which (unless suspended) any provisions other than those of a general character may be canceled and transferred to the particular tariffs affected upon a common effective date with appropriate notation to that effect in the master tariff amendment.

The master tariff shall contain provisions stating that the fuel surcharge increases authorized by the Commission, as set forth in a separate table in the master tariff, shall be applied to subjected rates and charges prior to the application of the increases authorized to be filed in Ex Parte No. 305.

(b) By publication and filing of a connecting link supplement to each tariff (to be made subject to the master tariff), connecting such tariffs with the master. Such supplements may be blanket supplements (a common supplement issued to two or more tariffs), provided each copy officially filed is hand marked in the appropriate places as to the supplement number and the I.C.C. number of the tariff it supplements.

(c) By publication and filing of tariffs or amendments to tariffs effective concurrently with the master tariffs and upon the same notice which provide specifically increased rates and charges but which do not result in an increase in charges for transportation and other services greater than those specified in the petition, provided all such publications are identified in the tariffs and made subject to the refund clause worded substantially as in paragraph 1(a) herein.

(d) By publication of provisions in tariffs or amendments thereto subjecting rates and charges therein to the provisions of the master tariff.

(e) By publication and filing of a supplement to Tariff of Surcharges Account Increases in Fuel Costs X-301-C, Traffic Executive Association-Eastern Railroads, I.C.C. No. C-1027, and other agents, providing for the cancellation thereof concurrent with the effective date of the master tariff authorized in paragraph 1(a) herein.

2. (a) The master tariff and supplements thereto, and all other tariffs and amendments to tariffs, that employ the short-form methods authorized herein shall bear the notation:

Form of publication authorized I.C.C. permission No. 74-3440

(b) Tariffs or amendments to tariffs publishing specifically increased rates or charges hereunder shall bear the notation:

Publication made in accordance with I.C.C. permission No. 74-3440.

3. Connecting-link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules governing the number of supplements and the volume of supplemental matter permissible.

4. Outstanding orders of the Commission are hereby modified only to the extent necessary to permit the filing of tariff publications containing the proposed increases, and all tariff publications filed are subject to protest and possible suspension or rejection. In that regard, we direct petitioners' attention to our admonitions in prior general increase proceedings concerning maintenance and preservation of existing port relationships. See for example Increased Freight Rates and Charges, 1972, 341, I.C.C. 288, 336, and Increased Freight Rates, 1970 and 1971, 339 I.C.C. 125, 188. Rate increase tables on grain shall progress in one-half cent increments.

It is further ordered, That notice of this order be given by serving a copy thereof on each party to the proceeding in Ex Parte No. 303, to the Governor and public utility regulatory body of each State, the Environmental Protection Agency, the Special Assistant to the President for Consumer Affairs, and by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register for publication therein.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-10739 Filed 5-8-74;8:45 am]

[Notice No. 36]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 3, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by § 1100.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2052 (Sub-No. 6), filed April 3, 1974. Applicant: BLAIR TRANSFER, INC., 203 South 9th Street, Blair, Nebr. 68008. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm feed wagons, manure spreaders, elevators, platform feeders, grader blade attachments, plow harrows*, from Blair, Nebr., to points in North Dakota, South Dakota, Minnesota, Iowa, Missouri, Kansas, Ohio, Illinois, and Michigan; and (2) *returned shipments and materials, supplies, and equipment* utilized in the manufacturing, sale, and distribution of the commodities specified in (1) above in the reverse direction, restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 2359 (Sub-No. 22), filed March 22, 1974. Applicant: DAMEO, INC., 568 Central Avenue, Somerville, N.J. 08876. Applicant's representative: Morton E. Kiel, Suite 693, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except in bulk), from the plantsite of Johns-Manville Perlite Corporation, located at or near Woodstock, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under contract with Johns-Manville Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 2900 (Sub-No. 257), filed April 1, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32209. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), serving the Clinton Industrial Park, located at or near Clinton, Miss., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss., or Washington, D.C.

No. MC 5227 (Sub-No. 13), filed March 27, 1974. Applicant: ECONOMY MOVERS, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, 521 South 14th St., Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, knocked down, and in sections;* (2) *building sections and panels;* and (3) *metal prefabricated structural components;* (a) from the plantsite and warehouse facilities of American Buildings Company, at Atlantic, Iowa, to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Wisconsin, and Wyoming; (b) between the plantsite and warehouse facilities of American Buildings Company, at Atlantic, Iowa, on the one hand, and, on the other, the plantsite and warehouse facilities of American Buildings Company, at Jamestown, Ohio, restricted to traffic originating at the named origin points and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha,, Nebr.

No. MC 5470 (Sub-No. 84), filed March 29, 1974. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Donald E. Cross, 918 Sixteenth Street NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Schuylkill County, Pa., to Tonawanda, N.Y., and Detroit, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 5888 (Sub-No. 36), filed April 5, 1974. Applicant: MID-AMERICAN LINES, INC., 127 West 10th Street, 11th Floor, Kansas City, Mo. 64105. Applicant's representative: Louis A. Hoger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of the Western Electric Company, Inc., located west of Goddard, Kans., as an off-route point in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, or Washington, D.C.

No. MC 18088 (Sub-No. 56), filed March 27, 1974. Applicant: FLOYD &

BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Industrial Parkway, Sycamore, Ala. 35149. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Birmingham and Sycamore, Ala., on the one hand, and, on the other, points in Georgia, South Carolina, and Tennessee, restricted to the transportation of traffic received from or delivered to connecting carriers at Birmingham and Sycamore, Ala., and points in their respective Commercial Zones.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 28060 (Sub-No. 25), filed March 19, 1974. Applicant: WILLERS, INC., doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, S. Dak. 57103. Applicant's representative: Bruce E. Mitchell, Suite 1600, First Federal Building, 40 Marietta St., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from Fergus Falls, Minn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the plantsite and facilities of John Morrell & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 29886 (Sub-No. 308), filed April 5, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627 Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, and* (2) *tractors attachments or parts* when moving in mixed shipments with (1) above, from the plantsite and storage facilities of Allis-Chalmers Corporation, located in Milwaukee County, Wis., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 40978 (Sub-No. 21), filed March 18, 1974. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a Corporation, 3321 Highway 141 South, Sheboygan, Wis. 53081. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New institutional household and office furniture, fixtures, and equipment*, from points in Ohio and Monroe, Mich., to points in Illinois, Wisconsin, and Minnesota.

NOTE.—Applicant intends to tack Sub 17 with the requested authority at the town of Sheboygan Falls, Wis., to serve points in the upper peninsula of Michigan. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 43475 (Sub-No. 60), filed April 1, 1974. Applicant: GLENDENNING MOTORWAYS, INC., 1665 West County Road C, St. Paul, Minn. 55113. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Lake Nebagamon, Wis., as an off-route point in connection with carrier's regular route operations, over U.S. Highway 2 between Duluth, Mich., and Hurley, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Duluth, Minn.

No. MC 45764 (Sub-No. 20), filed March 26, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway and Saville Ave., Eddystone, Pa. 19103. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical generating equipment*, the transportation of which, because of size and weight, require the use of special equipment or special handling and *materials and supplies* used in the installation thereof, between El Segundo, Calif., East Hartford, Hartford, and Windsor, Conn., Edgemoor and Wilmington, Del., Intercession, Palm Beach, and West Palm Beach, Fla., Louisville, Ky., Baltimore, Md., Ashland, Mass., Minneapolis and St. Cloud, Minn., Tenafly, N.J., Holbrook (Long Island), and New York, N.Y., Portland, and Salem, Oreg., Berwick, Philadelphia, and Pittsburgh, Pa., Brownsville, Houston, and Laredo, Tex., and Beloit and Neillsville, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the plant sites or other facilities of Turbo Power & Marine Systems, Inc., its affiliates, and subcontractors.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn., Washington, D.C., or Philadelphia, Pa.

No. MC 50897 (Sub-No. 4), filed March 28, 1974. Applicant: JEFFERSON TERMINAL AND WAREHOUSING, INC., 1100 Jefferson Street, Hoboken, N.J. 07030. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fabrics, textiles, unfinished piece goods and yarn*, between Hoboken, N.J.; Newburgh, N.Y.; Philadelphia, Pa., and points in Nassau and Suffolk Counties, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 52460 (Sub-No. 140), filed April 1, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, in containers*, from the plantsite and warehouses of Allen Canning Company, at or near Alma and Van Buren, Ark., points in Benton County, and Kansas, Okla., to Wichita, Topeka, and Kansas City, Kans.-Kansas City, Mo., and its Commercial Zone; and (2) from the plantsites and warehouses of Allen Canning Company, at or near Alma and Van Buren, Ark., to points in Louisiana and Texas (except Dallas and Fort Worth, Tex.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., Kansas City, Mo., or Oklahoma City, Okla.

No. MC 52460 (Sub-No. 141), filed March 29, 1974. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th Street, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers and related advertising material and empty containers* returned, (1) from Fort Worth, Tex., to Joplin and Lamar, Mo., Memphis, Tenn., Blytheville, Newport, Paragould, and Helena, Ark., and points in Louisiana and Mississippi; and (2) from Memphis, Tenn., to points in Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 52657 (Sub-No. 714), filed April 1, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those

designed to be drawn by passenger automobiles), in initial truckaway and driveaway service, *trailer converter dollies, containers and bodies,* from Fort Worth and Longview, Tex., Memphis, Tenn., Omaha, Nebr., and Minden, La., to points in the United States (excluding Alaska and Hawaii); and (2) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in secondary truckaway and driveaway service, *trailer converter dollies, containers, and bodies,* between points in the United States (excluding Alaska and Hawaii), on the one hand, and, on the other, Fort Worth and Longview, Tex., Memphis, Tenn., Omaha, Nebr., and Minden, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 52657 (Sub-No. 715), filed April 1, 1974. Applicant: AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles) *and trailer converter dollies,* in secondary movements in truckaway service, between points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 52709 (Sub-No. 324), (CLARIFICATION), filed February 11, 1974, published in the FR issue of April 11, 1974, and republished as clarified this issue. Applicant: RINGSBY TRUCK LINES, INC., 5773 South Prince St., P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Greeley, Colo., and Denver, Colo., to points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. The purpose of this republication is to clarify the commodity exemption, as stated herein. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 53965 (Sub-No. 91), filed March 25, 1974. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Drawer 838, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from Omaha, Nebr., to points in Missouri and points in the St. Louis, Missouri-East St. Louis, Illinois Commercial Zone, restricted to traffic originating at Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 59728 (Sub-No. 26), filed March 22, 1974. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Blvd., Akron, Ohio 44306. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from Dayton and Cincinnati, Ohio, to LaPlace, Ill., points in that part of Illinois bounded by a line beginning at the Mississippi River and extending along U.S. Highway 36 to LaPlace, Ill., thence along Illinois Highway 32 to Effingham, Ill., thence along U.S. Highway 45 to Brookport, Ill., thence along the Ohio River to the Mississippi River, and thence along the Mississippi River to the point of beginning including points on the indicated portons of the highways specified, and those in Kansas and Missouri.

NOTE.—Common control may be involved. Applicant intends to tack the requested authority with the existing authority: (1) at Cincinnati, Ohio, to provide a through service from Portland, Ohio, and from Washington Court House, Ohio; and (2) at Dayton, Ohio, to provide a through service from Chillicothe, Ohio, and from Washington Court House, Ohio, to those destination points named above. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 60987 (Sub-No. 21), filed April 1, 1974. Applicant: ARKIN TRUCK LINES, INC., 1600 S. Indiana Ave., Chicago, Ill. 60616. Applicant's representative: G. S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment,* used in the maintenance and operation of printing plants (except commodities in bulk, in tank vehicles), between the plantsite of R. R. Donnelley and Sons Co., Inc., located at or near Willard, Ohio, on the one hand, and, on the other, points in Indiana, under contract with R. R. Donnelley and Sons Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Illinois.

No. MC 64932 (Sub-No. 529), filed March 27, 1974. Applicant: ROGERS CARTAGE COMPANY, a Corporation, 10735 S. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from Jacksonville, Ark., to points in Colorado, Iowa, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 82079 (Sub-No. 38), filed April 4, 1974. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, Mich. 49507. Applicant's representative: J. M. Neath, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods and foodstuffs,* in mechanically refrigerated equipment, from Detroit, Mich., to points in Michigan, and *return of damaged and rejected merchandise.*

NOTE.—Common control was approved in MC-F-9433. If a hearing is deemed necessary, the applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 85255 (Sub-No. 48), filed March 15, 1974. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, 3720 Airport Way S., Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, Wash. 98154. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Materials,* for the production of aluminum including chemicals in bags, aluminum fluoride and cryolite, insulating brick, and refractory materials, including carbon lining and carbon cathode blocks, from Tacoma, Seattle, Bellingham, Wash., and ports of entry on the International Boundary between the United States and Canada, located at or near Blaine, Wash., to the Intalco Plant, located at or near Ferndale, Wash.; and (2) *Primary aluminum basic shapes,* i.e., ingot, billets, blooms, pig, or slabs, weighing from 1,500 to 22,000 pounds each, from the Intalco plant, located at or near Ferndale, Wash., to Tacoma, Seattle, Bellingham and Blaine, Wash.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 94635 (Sub-No. 3), filed March 27, 1974. Applicant: INTERSTATE SAND AND GRAVEL TRANSPORTATION, INC., 717 Elmer Street, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Crushed stone and slag,* from points in Bucks, Burks, Leigh, Lebanon, Lancaster, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Delaware, to points in Burlington, Camden, Gloucester, Salem, Cumberland, Cape May, and Atlantic Counties, N.J.; and (2) *Sand, gravel, stone, and clay,* from points in Burlington, Camden, Gloucester, Salem, Cum-

berland, Cape May, and Atlantic Counties, N.J., to points in Delaware; (1) and (2) above, under a continuing contract or contracts, with Mayslanding Sand and Gravel Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 95876 (Sub-No. 150), filed March 27, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* used in the quarrying, manufacturing, and installation of granite, marble, slate, and stone (except commodities in bulk), (1) between points in California, on the one hand, and, on the other, points in Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, Wisconson, Wyoming, and the District of Columbia; (2) between points in Burnet, Gillespie, and Llano Counties, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia; (3) between points in Greer, Johnston, Kiowa, and Tillman Counties, Okla., on the one hand, and, on the other, points in Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia; and (4) between points in Georgia, on the one hand, and, on the other, points in Idaho, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wisconsin, Wyoming, Upper Peninsula of Michigan, and Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 95876 (Sub-No. 151), filed April 5, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Detroit and Southfield, Mich., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100449 (Sub-No. 48), filed March 28, 1974. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. 4, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from the plantsite and storage facilities utilized by John Morrell and Co., at Fergus Falls, Minn., to points in Illinois, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the named plantsite and storage facilities.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 102616 (Sub-No. 898), filed March 7, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Heath, Ohio, and points within 10 miles thereof to points in Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 103191 (Sub-No. 42), filed April 2, 1974. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, P.O. Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews, P.O. Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, between New Orleans, La., on the one hand, and, on the other, Cincinnati, Ohio, and points in Kentucky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 106398 (Sub-No. 703), filed April 1, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial shipments, from points in Franklin Parish, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 106644 (Sub-No. 178), filed April 4, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agriculture and forest implements, plows, and planters*, and (2) *parts for* the items in (1) above, from Mableton, Ga., to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 106674 (Sub-No. 130), filed April 1, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rough Lumber*, from points in Kentucky, to Middle Point, Ohio; and (2), *Pallets*, from Middle Point, Ohio, to points in Illinois, Indiana, Michigan, Wisconsin, and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 106674 (Sub-No. 131), filed April 4, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and materials, and supplies and accessories* used in the installation thereof, from the plantsites of Johns-Manville Corporation, located at or near Jackson, Tenn., and Wilton, Iowa, to points in Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 708), filed April 4, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lavatories, sinks, faucets, and materials, supplies, and equipment* used in the manufacturing,

distributing, and installation of such commodities (other than commodities in bulk), between the plantsites and warehousing facilities of Unarco Industries, Inc., at Paris, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 709), filed April 4, 1974. Applicant: PRE FAB-TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing steel*, from Bowie, Md., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107934 (Sub-No. 25), filed April 2, 1974. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, N.C. 27292. Applicant's representative: John R. Sims, Jr., Suite 600, 1707 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plant site of Dixie Furniture Co., Inc., located at or near Linwood, N.C., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 108676 (Sub-No. 64), filed April 1, 1974. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sewage disposal units and equipment, water treatment units and equipment, tertiary filters, and flow splitter boxes;* (2) *accessories and parts* for the commodities named in (1) above, and; (3) *component parts* used in conjunction with ecological and environmental control systems, from Jacksonville, Fla., and Baltimore, Md., to points in the United States in and east of Wisconsin, Iowa, Missouri, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Jacksonville, Fla.

No. MC 109095 (Sub-No. 21), filed March 25, 1974. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 E. 14th Street, St. Louis, Mo. 63106. Applicant's representative: G. M. Rebman, 314 North Broadway, Suite 1230, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Paper and paper products, paper tubes, paper board, composite cans, tin plate, and steel can ends and adhesives*, serving the plantsite and shipping facilities of Universal Packaging Corporation, located in High Ridge (Jefferson County), Mo., approximately one mile south of Interstate Highway 44 on Antire Road, approximately ½ mile south of the St. Louis County, Missouri, State line, as an off-route point in connection with its authorized regular route operations between St. Louis, Mo., and Indianapolis, Ind. over U.S. Highway 40.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 109431 (Sub-No. 15), filed March 28, 1974. Applicant: FRANK C. KLEIN & CO., INC., 3600 E. 46th Avenue, Denver, Colo. 80216. Applicant's representative: John H. Lewis, The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anti-stripping asphalt additive*, in bulk, in tank vehicles, from Rocky Mountain Arsenal, Denver, Colo., to points in Minnesota, Wisconsin, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Colorado, Idaho, Arizona, Nevada, Washington, Oregon, and California.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 109533 (Sub-No. 57), filed March 28, 1974. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Lexington, Ky., and Corinth, Ky.: From Lexington over U.S. Highway 25 to Corinth, and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lexington or Frankfort, Ky.

No. MC 109689 (Sub-No. 264) (CLARIFICATION), filed February 22, 1974, published in FR issue of April 11, 1974, and republished as clarified this issue. Applicant: W. S. HATCH CO., a Corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, (1) from Salt Lake City and points within 10 miles thereof, to points in Arizona, Idaho, Wyoming, and Nevada; and (2) from points in Wyoming to Salt Lake City, Utah and points within 10 miles thereof.

NOTE.—The purpose of this republication is to clarify the tacking as stated herein. Applicant states that the requested authority can be tacked with its existing authority on petroleum and petroleum products as follows: in Sub-No. 238 at Fredonia, Ariz., to serve points in New Mexico and Colorado; in lead certificate, at Salt Lake City, Utah, to provide a through service from points in Wyoming to points in Lincoln, White Pine, Elko, Eureka, Nye, Lander, Pershing and Humbolt Counties, Nev.; in Sub-No. 52 at Salt Lake City, Utah to provide a through service from points in Wyoming to points in Utah; in Sub-No. 3 at Salt Lake City, Utah, from points in Wyoming to specified points in Nevada; on petrochemicals, in Sub-No. 26 at Salt Lake City, Utah, to provide a through service from points in Wyoming to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, and Utah; and on road oil and asphalt, in Sub-No. 25 at Salt Lake City, Utah to provide a through service from points in Wyoming to points in Idaho south of the southern border of Idaho County, Idaho. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 110325 (Sub-No. 59), filed March 25, 1974. Applicant: TRANSCON LINES, A Corporation, P.O. Box 92220, Los Angeles, Calif. 90009. Applicant's representative: Jerome Biniasz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of P.P.G. Industries, Inc., located near Wichita Falls, Tex., as an off-route point in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 111729 (Sub-No. 427), filed March 25, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media, and advertising material* of all kinds, (a) Between Shippensburg, Pa., and Martinsburg, W. Va.; (b) Between New Ulm, Minn., on the one hand, and, on the other, Plainview, Nebr., Freeman and Parkston, S. Dak., Alma, Blair, Boyceville and Turtle Lake, Wis., and points in Iowa; (c) Between St. Cloud, Minn., on the one hand, and, on the other, Eau Claire, Wis., and Mason City, Iowa; and (d) Between Minneapolis, Minn. and points in Illinois; (2) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, exposed and processed microfilm and prints, and advertising materials* moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), Between

Minneapolis, Minn., and points in Illinois; (3) *External and internal cardiac pacemakers, leads, cables, magnets, pacemaker-generator batteries, carotid sinus nerve stimulators, drop foot stimulators, cardiac fibrillators, service kits, business papers, records, audit and accounting media and advertising materials* of all kinds pertaining thereto, Between Atlanta, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee restricted to traffic having an immediately prior or subsequent movement by air or motor vehicle; and (4) *Blood, blood specimens, tissue specimens, biopsy specimens, biological cultures and specimens, urine specimens, and test tubes and containers* therefor, *business papers and records* related thereto, From points in Illinois on and south of U.S. Highway 136, to Clayton, Mo.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 111729 (Sub-No. 430), filed April 4, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, Esq., 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media of all kinds, and advertising material of all kinds, related thereto*, (1) between Chicago, Ill. and points in Missouri (except St. Louis County, Missouri), (2) between Oak Brook, Ill., and Lansing, Mich., and (3) between Richmond, Va., and Greenville, S.C.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 154), filed March 28, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aqua ammonia, with additives*, in bulk, in tank vehicles, from Union, Ill., to points in Minnesota, Wisconsin, Ohio, Illinois, Indiana, and Michigan; and (2) *Aqua ammonia, spent*, in bulk, in tank vehicles, from points in Minnesota, Wisconsin, Ohio, Illinois, Indiana, and Michigan, to Union, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113751 (Sub-No. 17), filed April 5, 1974. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, Wis. 54981. Applicant's representative: Edward Solie, Executive Building—Suite 100, 4513 Vernon Blvd., Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from the plantsite and storage facilities of the American Potato Company in Portage County, Wis., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 113828 (Sub-No. 214), filed March 29, 1974. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from points in Lugoff, S.C., to points in North Carolina, South Carolina, Alabama, Georgia, Florida, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 215), filed March 25, 1974. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, from Chesapeake, Va., to points in the United States on and east of U.S. Highway 85.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 216), filed April 2, 1974. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen Solutions*, in bulk, in tank vehicles from the storage facilities of Skyline Terminals, Inc., at Baltimore, Md., to points in Delaware and Virginia. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113908 (Sub-No. 311), filed March 25, 1974. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* used in the manufacture of products by food, drug, and agricultural industries, in bulk, from Springfield and Verona, Mo., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture of (1) above, from points in the United States (except Alaska and Hawaii) to Springfield and Verona, Mo.; (1) and (2) above, restricted to traffic originating at the points of origins and destined to the destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114194 (Sub-No. 173), filed April 3, 1974. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Ernest A. Brooks, II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn and products of soybeans and blends* thereof, in bulk, in tank vehicles, from the plantsites and warehouse facilities of Archer Daniels Midland Company at or near Decatur, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114211 (Sub-No. 227), filed March 29, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Patrick Smyth, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, from the facilities of Bird & Son, Inc., Shereveport, La., to points in Illinois, Indiana, Iowa, Kansas, Missouri, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock Ark., Dallas, Tex., or Chicago, Ill.

No. MC 114211 (Sub-No. 228), filed March 29, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, plywood, and particle board*, from Silsbee, Tex., to points in Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Illinois, Indiana, and Wisconsin; and (2) *Plywood*, from Bon Wier, Tex., to points in Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Illinois, Indiana, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 114273 (Sub-No. 171), filed March 27, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Knochar, Suite 315 Commerce Exchange Building, 2720 First Avenue, NE., P.O. Box 1943, Cedar Rapids, Iowa 52406.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Yorkville, Warren, Martins Ferry, Mingo Junction, and Steubenville, Ohio, Benwood, Beechbottom and Wheeling, W. Va., and Allenport and Monessen, Pa., to points in Iowa, Nebraska, Minnesota and Colorado.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 173), filed April 4, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Wrought iron pipe*, from plantsite of Jones & Laughlin Steel, Specialty Tube Division, Oil City, Pa., to Rock Island, Ill., and points in Iowa and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 174), filed April 4, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from Sharon, Pa., to Cedar Rapids, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 178), filed April 8, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Aliquippa and Pittsburgh, Pa., to points in Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 180), filed April 5, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors*, from Cambridge, Ohio, to St. Paul, Minn., and Racine, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114284 (Sub-No. 59), filed March 29, 1974. Applicant: FOX-SMYTHE TRANSPORTATION COMPANY, a Corporation, P.O. Box 82307, Stockyards Station, Oklahoma City, Okla. 73108. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc. at Cherokee, Iowa, to points in Texas, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No MC 114533 (Sub-No. 297), filed March 27, 1974. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 S. Jefferson St., Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Detroit, Mich., on the one hand and, on the other, points in Illinois and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 114725 (Sub-No. 61), filed March 25, 1974. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the terminal located on the Ammonia Pipeline of Mapco, Inc. located at or near Clay Center, Kans., to points in Nebraska, Iowa, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114725 (Sub-No. 62), filed March 29, 1974. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral seal oil*, from West Branch, Mich., to Sycamore, Ill., Council Bluffs, Iowa, Omaha, Nebr., and Tulsa, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114897 (Sub-No. 111), filed April 4, 1974. Applicant: WHITFIELD TANK LINES, INC., 300-316 N. Clark, P.O. Drawer 9897, El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Dallas and Tarrant Counties, Tex., to points in New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 115311 (Sub-No. 165), filed March 28, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire hydrants, valves, cast iron pipe fittings, indicator post, floor stands, service and valve boxes, and attachments and accessories therefor*, (1) from Chattanooga, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, and Virginia; and (2) from Albertville, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115496 (Sub-No. 21), filed March 27, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from the plantsite and warehouse facilities of International Paper Company, located in Georgetown County, S.C., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Mobile, Ala.

No. MC 115570 (Sub-No. 8), filed March 25, 1974. Applicant: WALTER A. JUNGE, INC., P.O. Box 91531, 3818 84th St. SW., Tacoma, Wash. 98491. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper*, from West Tacoma, Wash., to points in Oregon, under contract or contracts with Boise Cascade Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 115814 (Sub-No. 11), filed April 1, 1974. Applicant: MARK TRUCKING, INC., Trella Street, P.O. Box 5701, Belleville, Pa. 17004. Applicant's representative: James W. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), and *dairy products* in bulk, from points in Belleville, Pa., to points in West Virginia, under a continuing contract with Abbotts Dairies, Division of Fairmont Foods Corporation, Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115360 (Sub-No. 7), filed April 1, 1974. Applicant: DALBY TRANSFER AND STORAGE, INC., P.O. Box 7187, Colorado Springs, Colo. 80933. Applicant's representative: John P. Thompson and Susan E. Ayer, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except petroleum and petroleum products, in bulk, and Classes A and B explosives), between points in Colorado (except to, from or between points in Boulder County, Colo.); and (2) *household goods as defined by the Commission and articles* which because of size or weight require the use of special equipment (a) between points in Boulder County, Colo., and (b) between points in Boulder County, Colo., on the one hand, and, on the other, points in Colorado. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116300 (Sub-No. 15), filed April 5, 1974. Applicant: NANCE AND COLLUMS, INC., Post Office Drawer J, Fernwood, Miss. 39635. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt, salt products and mineral mixtures, and* (2) *products* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, when moving in mixed loads with salt, salt products, mineral mixtures, from points in Louisiana (except New Orleans, Gretna and Destrehan), to points in Louisiana, Texas, and Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La. or Jackson, Miss.

No. MC 116725 (Sub-No. 21), filed April 2, 1974. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Maple Avenue, Harleysville, Pa. 19438. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Ohio, Indiana, and Illinois, to the plantsite or sites of Keller's Creamery Co., in Harleysville, and Franconia Township (Montgomery County), Pa., south of Cowpath Road.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 116763 (Sub-No. 274), filed April 4, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), from Dunkirk, N.Y., to points in Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, New Jersey, Maryland, Virginia, those points in Pennsylvania on and east of U.S. Highway 200, the District of Columbia, and Bronx, Kings, Nassau, Queens, Richmond, Suffolk, and Westchester Counties, N.Y., restricted to traffic originating at Dunkirk, N.Y., and destined to the territory named.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117391 (Sub-No. 10), filed March 27, 1974. Applicant: E. L. REDDISH TRANSPORTATION, INC., 1020 Schmieding Lane, P.O. Box 207, Springdale, Ark. 72764. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Plymouth, Ind., and points in Allegan County, Mich., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, under a continuing contract or contracts with Pilgrim Farms, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 117574 (Sub-No. 237), filed March 27, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: J. W. Hagar, 100 Pine St., P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Cinnaminson, N.J.; Floreffe, Pa., and Erwin, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117644 (Sub-No. 36), filed March 29, 1974. Applicant: D & T TRUCKING CO., INC., P.O. Box 2611, New Brighton, Minn. 55112. Applicant's representative: William J. Boyd, 29 LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Macaroni, noodles, spaghetti, and vermicelli, and sauces therefor, and bread crumbs*, from Warminster, Pa., to points in Iowa, Nebraska, South Dakota, North Dakota, and California; and (2) *bread crumbs* from Warminster, Pa., to Chicago, Ill. and Milwaukee, Wis., under continuing contract with V. LaRosa and Sons, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Chicago, Ill.

No. MC 117644 (Sub-No. 38), filed April 1, 1974. Applicant: D & T TRUCKING CO., INC., P.O. Box 2611, New Brighton, Minn. 55112. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Minnesota and Wisconsin, to points in Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Florida, under contract with Land O'Lakes, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 117940 (Sub-No. 122), filed April 1, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas* and (2) *Agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from Charleston, S.C., to ports of entry on the International Boundary line between the United States and Canada, located in Minnesota and North Dakota.

NOTE.—Applicant holds contract carrier authority in MC 114789 Sub 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 118202 (Sub-No. 36), filed April 1, 1974. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from Fergus Falls, Minn., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the

District of Columbia, restricted to traffic originating at the plantsite and facilities utilized by John Morrell and Company.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118989 (Sub-No. 111), filed March 28, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products and pulpboard products, and paper mill supplies*, from the plantsites of Hoerner Waldorf Corporation located at Ontonagon, Mich.; Franklin, Ohio, and Channahon, Ill., to points in Illinois, Indiana, Minnesota, Wisconsin, Iowa, Missouri, Ohio, Michigan, North Dakota, and South Dakota; and (2) *scrap paper and paper mill supplies*, from points in Iowa, Illinois, Indiana, Minnesota, Wisconsin, Missouri, Ohio, Michigan, North Dakota, and South Dakota, to the plantsites of Hoerner Waldorf Corporation at Ontonagon, Mich.; Franklin, Ohio, and Channahon, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119099 (Sub-No. 14), filed April 4, 1974. Applicant: BJORKLUND TRUCKING, INC., 1st Avenue NE. and 8th Street, Buffalo, Minn. 55313. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from Minneapolis, and St. Paul, Minn., to points in North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119384 (Sub-No. 27), filed April 1, 1974. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa 50220. Applicant's representative: Robert R. Rydell, 900 Savings and Loan Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses* and *such commodities* as are used by meat packers in the conduct of their business as defined in Appendix I, Sections A, C and D to the Commission's report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), between the plant site and storage facilities of Oscar Mayer and Company, located at or near Madison, Wis., and the plant site and storage facilities of Oscar Mayer and Company, located at or near Davenport, Iowa, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Chicago, Ill.

No. MC 119641 (Sub-No. 120), filed February 19, 1974. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Colee Station, Ft. Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Golf carts*, from points in Florida, to points in East Moline, Ill.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119656 (Sub-No. 28) filed March 27, 1974. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, Ind. 46996. Applicant's representative: Akli E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste containers*, from Winamac, Ind., to points in Illinois, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin, and (2) *equipment, materials and supplies* used in the manufacture of waste containers, and *truck bodies*, from Illinois, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin, to Winamac, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119767 (Sub-No. 310), filed April 1, 1974. Applicant: BEAVER TRANSPORT CO., a Corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson and Company, Inc., located at or near Albert Lea, Minn., to points in Indiana, Kentucky, Michigan, and Ohio, restricted to traffic originating at the above-named origin point and destined to the above-named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 312), filed April 1, 1974. Applicant: BEAVER TRANSPORT CO., a Corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson and Company, Inc., located at or near Albert Lea, Minn., to points in Illinois, Iowa, Missouri, and Wisconsin, restricted to traffic originating at the above-named origin point and destined to the above-named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 293), filed April 1, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, and farm trailers*, from the plantsite and storage facilities of Midland Agriculture, Inc., at or near Aurora, Nebr., to points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming; and (2) *supplies and materials* used in the manufacture of items in (1) above, from points in the above named states, to the plantsite and storage facilities of Midland Agriculture, Inc., at or near Aurora, Nebr.

NOTE.—Applicant holds contract carrier authority in MC 126970 (Sub-No. 1) and other subs, therefore dual operations may be involved. Common Control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 121107 (Sub-No. 13), filed March 28, 1974. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., P.O. Box 207, Farmville, N.C. 27828. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp*, from Askin, N.C., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 121673 (Sub-No. 1), filed March 29, 1974. Applicant: WESTERN MOTOR FREIGHT, INC., 1420 West Sheridan, Oklahoma City, Okla. 73106. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a

common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment and those of unusual value), (1) Between Wichita Falls, Tex., and Snyder, Okla., serving no intermediate points: (a) From Wichita Falls, Tex. via U.S. Highway 281 to Lawton, Okla., thence via U.S. Highway 62 to Snyder, Okla., and return over the same route; and (b) From Wichita Falls, Tex., via U.S. Highway 281 to Randlett, Okla., thence via U.S. Highway 70 to its junction with U.S. Highway 18, thence via U.S. Highway 183 to Snyder, Okla. and return over the same route; (2) Between Wichita Falls, Tex., and Altus, Okla., serving no intermediate points: (a) From Wichita Falls, Tex., via U.S. Highway 281 to Lawton, Okla., thence via U.S. Highway 62 to Altus, Okla., and return over the same route; and (b) From Wichita Falls, Tex., via U.S. Highway 281 to Randlett, Okla., thence via U.S. Highway 70 to Davidson, Okla., thence via U.S. Highway 183 to Frederick, Okla., thence via Oklahoma Highway 5 to its junction with U.S. Highway 283, thence via U.S. Highway 283 to Altus, Okla., and return over the same route:

(3) Between Wichita Falls, Tex., and Altus, Okla., serving no intermediate points: From Wichita Falls, Tex., via U.S. Highway 287 to Vernon, Tex., thence via U.S. Highway 283 to Altus, Okla., and return over the same route; (4) Between Oklahoma City, Okla. and Madge, Okla., serving the intermediate points of Mangum, Reed, Vinson, Hobart, Lone Wolf and Granite, Okla., serving the off-route points of Willow and Brinkman, Okla.: From Oklahoma City, via U.S. Highway 66 and Interstate Highway 40 to Clinton, thence via U.S. Highway 183 to Hobart, thence via Oklahoma Highway 9 to Madge, and return over the same route; (5) Between Oklahoma City, Okla. and Altus, Okla., serving the intermediate points of Lugert and Blair, Okla.: From Oklahoma City, via U.S. Highway 66 and Interstate Highway 40 to Clinton, thence via U.S. Highway 183 to Hobart, thence via Oklahoma Highway 9 to Lone Wolf, thence via Oklahoma Highway 44 to Altus, and return over the same route; (6) Between Oklahoma City, Okla. and Snyder, Okla., serving all intermediate points between Snyder and Hobart, Okla.: From Oklahoma City, via U.S. Highway 66 and Interstate Highway 40 to Clinton, thence via U.S. Highway 183 to Snyder, and return over the same route; (7) Between Oklahoma City, Okla., and Hobart, Okla., serving all intermediate points between Snyder and Hobart, Okla.: From Oklahoma City, via U.S. Highway 62 to its junction with the H. E. Bailey Turnpike, thence via H. E. Bailey Turnpike to Lawton, thence via U.S. Highway 62 to Snyder, thence via U.S. Highway 183 to Hobart, and return over the same route; (8) Between Oklahoma City, Okla. and Madge, Okla., serving all intermediate points between Snyder and Madge, Okla.: From Oklahoma City, via U.S. Highway 62 to its junction with the H. E. Bailey Turnpike thence via H. E. Bailey Turnpike to Lawton, thence via U.S. Highway 62 to Altus, thence via U.S. Highway 283 to Mangum, thence via Highway 9 to Madge, and return over the same route;

(9) Between Oklahoma City, Okla., and Hollis, Okla., serving the intermediate points of Duke and Gould, Okla., and between Hollis, Okla., and Madge, Okla., serving all intermediate points by the way of Oklahoma Highway 30: From Oklahoma City, via U.S. Highway 62 to its junction with the H. E. Bailey Turnpike, thence via H. E. Bailey Turnpike to Lawton, thence via U.S. Highway 62 to Hollis, and return over the same route; (10) Between Oklahoma City, Okla., and Eldorado, Okla., serving the intermediate point of Olustee, Okla.: From Oklahoma City, via U.S. Highway 62 to its junction with the H. E. Bailey Turnpike, thence via H. E. Bailey Turnpike to Lawton, thence via U.S. Highway 62 to junction with Oklahoma Highway 44, thence via Oklahoma Highway 44 to Eldorado, Oklahoma, and return over the same route; and (11) Between Oklahoma City, Okla., and Hobart, Okla.: From Oklahoma City, via U.S. Highway 62 to H. E. Bailey Turnpike, thence via H. E. Bailey Turnpike to junction Oklahoma Highway 9, thence via Oklahoma Highway 9 to Hobart, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operation.

NOTE.—The purpose of (4) through (11) above, inclusive is to convert the present Certificate of Registration, M.C. 121673, to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla. or Dallas, Tex.

No. MC 123048 (Sub-No. 301), filed April 1, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 Twenty-First Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snow throwers*, from Lake Mills, Wis., to points in California, Colorado, Iowa, Michigan, and Washington; and (2) *lawn mowers and accessories, attachments and parts for lawn mowers and snow throwers*, from Lake Mills, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 123048 (Sub-No. 302), filed March 27, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 Twenty-First Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation, at Lackawanna, N.Y., to points in Illinois, Indiana, Minnesota, Ohio, Wisconsin, and the Lower Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 167), filed April 1, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, couplings, and materials and supplies* used in the installation thereof, from Bristol and Evansville, Ind., to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Washington, D.C.

No. MC 123407 (Sub-No. 168), filed April 1, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Knocked down metal buildings and wrought iron or steel conduit and conduit fittings*, from Parkersburg and Winfield, W. Va., to points in and east of Montana, Wyoming, Colorado, and New Mexico; and (2) *Materials and supplies* used in the manufacture and distribution of the above described commodities (except commodities in bulk, in tank vehicles), from the above described destination territory, to Parkersburg and Winfield, W. Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 123872 (Sub-No. 23), filed March 25, 1974. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts and materials* used in the manufacture of furniture and furniture parts (except in bulk), from points in Missouri, to points in Kentucky and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 123872 (Sub-No. 24), filed March 29, 1974. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore

Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and facilities of Western Potato Service, Inc., at or near Grand Forks, N. Dak., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.; Charlotte, N.C., or Washington, D.C.

No. MC 123872 (Sub-No. 25), filed April 1, 1974. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the plantsite and shipping facilities of Metal Bed Rail, Inc., a subsidiary of Leggett and Platt, Inc., located at or near Linwood, N.C., to Brenham, Tex., Houston, Tex., Oklahoma City, Okla., and Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 123872 (Sub-No. 26), filed April 1, 1974. Applicant: W AND L MOTOR LINES, INC., State Road 1148, P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, gas grill casings, lawnmower frames, and street light hoods and parts* (except in bulk), from the plantsite and shipping facilities of EST Company, a subsidiary of Leggett and Platt, Inc., located at or near Grafton, Wis., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 124078 (Sub-No. 586), filed March 25, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal fats, vegetables oils, and blends thereof*, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Delaware, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, and Pennsylvania; (2) *alumina hydrate and talc*, from points in Murray County, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee; and (3) *salt*, in bulk, from Wilmington, N.C., to points in South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 124144 (Sub-No. 12), filed March 27, 1974. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., 1516 South George Street, York, Pa. 17403. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chain and miscellaneous attachment and hardware* therefor, *cable, wire rope, chain manufacturing machinery and equipment, and advertising display paraphernalia*, from York, Pa., to points in Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Arizona, Colorado, New Mexico, Oklahoma, and Texas, under contract with Campbell Chain Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124359 (Sub-No. 16), filed March 29, 1974. Applicant: WIL-HELEN, INC., 1409 16th Avenue, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tile, carpeting, linoleum, rugs, padding, molding, adhesives, and materials and supplies* used in installation of tile and carpets, from East Rutherford and Salem, N.J.; Itasca, Ill., and Dallas and Mineral Wells, Tex., to points in Colorado; points in Albany, Goshen, Laramie, and Natrona Counties, Wyo.; and points in Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., restricted to service performed under a continuing contract with Wholesale Flooring, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124896 (Sub-No. 6), filed March 29, 1974. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralston Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Appleton, Wis., to points in Kentucky, Tennessee, Virginia, West Virginia, Maryland, North Carolina, South Carolina, Delaware, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 124896 (Sub-No. 7), filed March 29, 1974. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralson Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Wilson & Co., located at or near Cherokee, Iowa, to points in North Carolina, South Carolina, and Tennessee, restricted to the transportation of traffic originating at the above origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 125358 (Sub-No. 16), filed April 3, 1974. Applicant: MID-WEST TRUCK LINES LTD., a Corporation, 1216 Fife Street, Winnipeg, Manitoba, Canada. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines*, from Lima, Ohio, to ports of entry on the International Boundary line between the United States and Canada, at or near Pembina, North Dakota.

NOTE.—Applicant holds common carrier authority in MC 125358, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) St. Paul, Minn., and (2) Chicago, Ill.

No. MC 125533 (Sub-No. 6) (PARTIAL CORRECTION), filed October 29, 1973, published in the FR issue of December 13, 1973, republished in the FR issue of January 17, 1974 and March 28, 1974, and in the fourth publication, as corrected this issue. Applicant: GEORGE W. KUGLER, 2800 East Waterloo Road, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215.

NOTE.—The purpose of this partial republication is to indicate the correct Docket Number MC-125533 (Sub-No. 6) in lieu of MC-125522 (Sub-No. 6). The rest of the application remains as previously published.

No. MC 126930 (Sub-No. 11), filed March 25, 1974. Applicant: BRAZOS TRANSPORT CO., a Corporation, P.O. Box 2746, Lubbock, Tex. 79408. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or waste paper*, from points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Nebraska, Tennessee, and Texas, to Pryor, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lubbock, Tex., or Buffalo, N.Y.

No. MC 127042 (Sub-No. 142), filed March 29, 1974. Applicant: HAGEN,

INC., 3232 Highway 75 North, P.O. Box 98-Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc. at Cedar Rapids, Iowa, to points in Nebraska, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 127115 (Sub-No. 8), filed March 25, 1974. Applicant: MILLER S TRANSPORT, INC., 510 West Third North, Hyrum, Utah 84319. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foam and cellular expanded plastics, rubber and related accessories*, (1) from Santa Ana, Calif., to points in Utah and Idaho, under contract with Califoam Corporation (2) In Orange and Anaheim, Calif., to points in Utah and Idaho, under contract with General Tire & Rubber Co. and (3) from Compton, City of Commerce and Oakland, Calif., and Portland, Oreg., to points in Utah and Idaho and Reno and Elko, Nev., under contract with United Foam Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Los Angeles, California.

No. MC 127196 (Sub-No. 15), filed March 25, 1974. Applicant: KLINE TRUCKING, INC., Rural Delivery 1, P.O. Box 355, Millville, Pa. 17846. Applicant's representative: S. Berne Smith, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stainless steel milk holding, cooling, and processing equipment, and accessories;* (2) *materials, supplies, and component parts* used in the manufacture and maintenance of the items in part (1); (3) *advertising materials and displays* pertaining to the items in part (1), from Lake Bluff, Ill., and Lake Mills, Wis., to points in the United States including Alaska but excluding Hawaii, restricted to the transportation of shipments originating at Lake Bluff, Ill., and Lake Mills, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 127253 (Sub-No. 50), filed March 25, 1974. Applicant: R. A. CORBETT TRANSPORT, INC., P.O. Box 728, Waskom, Tex. 75692. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in bulk, (1) from points in Caddo, Bossier, and Webster Parishes, La., to points in Texas, Oklahoma, Arkansas, Mississippi, Alabama, Florida, South Carolina, Georgia, and Tennessee and (2) from Longview, Tex., to points in Texas, Oklahoma, Louisiana, Arkansas, Mississippi, Alabama, Florida, South Carolina, Georgia, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Shreveport, La.

No. MC 127274 (Sub-No. 43), filed April 1, 1974. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, Suite 2465-One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and wood pulp*, from Calhoun, Tenn., to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127539 (Sub-No. 33), filed April 2, 1974. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 115th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chocolate coating*, from Salina, Oakdale, and Burlingame, Calif., to the plantsites of Brown & Haley, at Tacoma, Wash.; and (2) *shelled almond nuts*, from points in Kern, Sacramento, Solano, Sutter, Butte, and Yuba Counties, Calif., to the plantsites of Brown & Haley, at Tacoma, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127625 (Sub-No. 17), filed March 29, 1974. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings, and wood sawdust*, between points in North Carolina, South Carolina, and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 127834 (Sub-No. 102), filed March 28, 1974. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Hamilton, Ohio, to points in Tennessee and Alabama.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 128343 (Sub-No. 26), filed April 4, 1974. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic products, and supplies* used in the manufacture and distribution of plastic materials and plastic products, from North Smithfield, R.I., and Halls, Tenn., to New Orleans, La., under continuing contract with The Tupperware Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 128383 (Sub-No. 53), filed April 1, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives and motor vehicles requiring the use of special equipment), between Logan International Airport, located at or near Boston, Mass., John F. Kennedy International Airport, located at or near New York, N.Y., Newark Airport, located at or near Newark, N.J., Philadelphia International Airport, located at or near Philadelphia Pa., Baltimore-Washington International Airport, located in Anne Arundel County, Md., Washington National Airport, located at or near Gravelly Point, Va., Dulles International Airport, located in Loudon and Fairfax Counties, Va., Douglas Municipal Airport, located at or near Charlotte, N.C., Hartsfield International Airport, located at or near Atlanta, Ga., Miami International Airport, located at or near Miami, Fla., Detroit Metropolitan Airport, located at or near Detroit, Mich., Cleveland Hopkins International Airport, located at or near Cleveland, Ohio, the Greater Cincinnati Airport, located at or near Cincinnati, Ohio, Memphis International Airport, located at or near Memphis, Tenn., New Orleans International Airport, located at or near New Orleans, La., Chicago-O'Hare International Airport, located at or near Chicago, Ill., General Mitchell Field, located at or near Milwaukee, Wis., Minneapolis-St. Paul International Airport, located at or near Minneapolis, Minn., points in California, Portland International Airport, located at or near Portland, Oreg., Spokane International Airport, located at or near Spokane, Wash., the Seattle-Tacoma International Airport, located at or near Seattle, Wash., Boeing Field International Airport, located at or near Seattle, Wash., Kansas

City International Airport, located at or near Kansas City, Mo., on the one hand, and, on the other, Tulsa International Airport, located at or near Tulsa, Okla., Will Rogers World Airport, located at or near Oklahoma City, Okla., the Wiley Post Airport, located at or near Oklahoma City, Okla., and points in Texas, restricted to traffic having a prior or subsequent movement by air or moving in substitute for air service.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128383 (Sub-No. 54), filed April 5, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, and motor vehicles requiring the use of special equipment), having a prior or subsequent movement by air or moving in a substitute air service, between Bangor International Airport, at or near Bangor, Maine; Cleveland Hopkins International Airport, Cleveland, Ohio; Greater Southwest International Airport at or near Forth Worth, Tex.; Dallas Love Field at or near Dallas, Tex., on the one hand, and, on the other, Logan International Airport at or near Boston, Mass.; Los Angeles International Airport at or near Los Angeles, Calif., and San Francisco International Airport at or near San Francisco, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129808 (Sub-No. 13), filed April 1, 1974. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., West Highway 30, Grand Island, Nebr. 68801. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies*, used in the manufacture and production of metal scaffolding towers, conveyors, pumps and *parts and accessories* therefor, from points in the United States (except Alaska and Hawaii), to the plantsite of Morgen Manufacturing Co., located at or near Yankton, S. Dak., under a continuing contract or contracts with Morgen Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 129876 (Sub-No. 10), filed April 4, 1974. Applicant: DuBOIS TRUCKING, INC., P.O. Box 502, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, Box 568, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the Albany, N.Y., Commercial Zone and Comstock, N.Y., to Barre, Barre Town, Berlin, Montpelier, Northfield, and Williamstown, Vt., under continuing contract with Twin City Fuel Co., Inc.

NOTE.—Applicant holds common carrier authority in MC-119808, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt.; Boston, Mass.; or Washington, D.C.

No. MC 133221 (Sub-No. 18), filed March 25, 1974. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, Ga. 30245. Applicant's representative: Mr. Bruce E. Mitchell, 40 Marietta Street, First Federal Building, Suite 1600, Atlanta, Ga. 30245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material*, from the plantsite of Fibreboard Corp. at or near Grambling, La., to points in the United States (except Alaska, and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 133655 (Sub-No. 74), filed April 4, 1974. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Charles W. Singer, Suite 1000, 327 S. La Salle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refined copper and materials and supplies* used in the manufacture and distribution of refined copper; and (2) *metal of extraordinary value*, between Amarillo, Tex., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, Pennsylvania, Rhode Island, New Jersey, Delaware, Maryland, Virginia, Arizona, California, Colorado, New Mexico, Utah, Nevada, Wyoming, Montana, Idaho, Oregon, Washington, and the District of Columbia.

NOTE.—Common control may be involved If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Chicago, Ill.

No. MC 133689 (Sub-No. 53), filed April 5, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potatoes, potato products, and potato by-products, and related equipment, materials and supplies*, when moving with the above; and (2) *food ingredients* (except commodities in bulk), from Fosston and Crookston, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, North Carolina, South Carolina, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Missouri, Kansas, Nebraska, South Dakota, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 133708 (Sub-No. 11), filed April 1, 1974. Applicant: FIKSE BROS., INC., 12647 East South Street, Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Crushed or pulverized lime rock*, in bags, from the plant site of Patins Linestone Products, located near Lucern Valley, Calif., to Phoenix, Ariz.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 133779 (Sub-No. 7), filed December 26, 1973. Applicant: FUNDIS COMPANY, a Corporation, 110 West Broadway, Lovelock, Nev. 89419. Applicant's representative: Pete Fundis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Diatomaceous earth*, in bulk, from the plantsites of Eagle-Picher Industries, Inc., located in Storey and Pershing Counties, Nev., to points in Arizona, California, Idaho, Oregon, Utah, Washington, and Wyoming; and (2) *soda ash*, in bulk, from points in San Bernardino County, Calif., and Sweetwater County, Wyo., to the plantsites of Eagle-Picher Industries, Inc., located in Pershing and Storey Counties, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lovelock, or Reno, Nev.

No. MC 134094 (Sub-No. 3), filed March 25, 1974. Applicant: HEIGHT'S SERVICE, INC., 521 E. Nevada Avenue, St. Paul, Minn. 55101. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials, premiums, and malt beverage dispensing equipment*, when moving in mixed loads with malt beverages, (1) from Milwaukee and Beloit, Wis., to Hastings, Minn., under contract with Stoffel Beverage Co., Inc.; (2) from Minneapolis-St. Paul, Minn., to Lombard, Ill., under contract with C. G. Distributing Company, Inc., and (3) from Milwaukee, La Crosse, and Chippewa Falls, Wis., to St. Paul, Minn., under contract with John McLean Distributing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 134308 (Sub-No. 8), filed April 1, 1974. Applicant: CADDO EXPRESS, INC., 1257 East Reno, Oklahoma City, Okla. 74834. Applicant's representative: Benjamin E. Butts, 116 West Eighth Street, Chandler, Okla. 74834. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Classes A

and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Buffalo, Okla., and Coldwater, Kans.: From Buffalo, Okla., over U.S. Highway 183 to junction U.S. Highway 160 near Sitka, Kans., thence over U.S. Highways 160 and 183 to Coldwater, Kans., and return over the same route, serving all intermediate points, and serving the off-route points of Ashland and Protection, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Wichita, Kans.

No. MC 134645 (Sub-No. 10), filed March 15, 1974. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Avenue South, St. Cloud, Minn. 56301. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Chicago, Ill., to Fort Atkinson, Wis., and St. Paul, Minn.

NOTE.—Applicant holds contract carrier authority in MC 124071 and Sub-No. 4, therefore dual operations may be involved. If a hearing is demeed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 135284 (Sub-No. 2), filed April 4, 1974. Applicant: FLEETWOOD TRANSPORTATION CORP., 520 North Seventh Ave., Scranton, Pa. 18503. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk), (1) from Fleetwood, Pa., to points in Virginia and West Virginia; and (2) from points in Pennsylvania, New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, to Fleetwood, Pa., under continuing contract or contracts with Agfoods, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135732 (Sub-No. 6), filed April 1, 1974. Applicant: AUBREY FREIGHT LINES, INC., 625 Grove Street, Elizabeth, N.J. 07207. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Appleton, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 110884 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135913 (Sub-No. 5), filed March 25, 1974. Applicant: BREEN TRUCKING, INC., 8459 Church Road, Grosse Ile, Mich. 48138. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coated foundry sand*, from the facilities of C–E Cast Products, at or near Rockwood, Mich., to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Massachusetts, and the District of Columbia; (2) *materials and supplies used in the manufacture and distribution of coated foundry sand*, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, and the District of Columbia, to the facilities of C–E Cast Products, at or near Rockwood, Mich.; (3) *foundry core compounds and high temperature bonding mortar and cement* (except in bulk), from the facilities of C–E Cast Products, at or near Rockwood, Mich., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kansas, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, and the District of Columbia; and (4) *materials and supplies used in the manufacture and distribution of Foundry core compounds and high temperature bonding mortar and cement*, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kansas, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, and the District of Columbia, to the facilities of C–E Cast Products, at or near Rockwood, Mich., under contract with C–E Cast Products.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 135949 (Sub-No. 6), filed April 1, 1974. Applicant: O. H. BALDRIDGE AND SONS, INC., 1907 Esther, Centralia, Ill. 62801. Applicant's representative: Gregory M. Rebman, 1230 Boatmen's Bank Building, 314 N. Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-stressed and pre-cast concrete products*, from the plantsite and facilities of Nelsen Concrete Products, Inc., located at or near Centralia, Ill., to points in the St. Louis Commercial Zone, St. Louis County, St. Charles County, Warren County, Franklin County, and Jefferson County, Mo., points in Indiana on and south of U.S. Highway 36 and points in Kentucky on and west of U.S. Highway 31E; and *returned or rejected shipments* of the same commodities, from the above specified destination points to the specified origin point named above, under a continuing contract or contracts with Nelsen Concrete Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 136008 (Sub-No. 26), filed March 25, 1974. Applicant: JOE BROWN COMPANY, INC., Box 1669, Ardmore, Okla. 74301. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Haskell, Latimer, LeFlore and Pittsburg Counties, Okla. and Johnson and Logan Counties, Ark., to points in Morris County, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 136212 (Sub-No. 10), filed April 4, 1974. Applicant: JENSEN TRUCKING COMPANY, INC., 213 S. Washington Street, P.O. Box 37, Papillion, Nebr. 68046. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Lincoln, Nebr. 68507. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Inedible boneless meat*, from Ogden, Utah, Twin Falls, Boise, and Idaho Falls, Idaho, to Portland, Oreg., Madison and Milwaukee, Wis., Topeka, Kans., St. Joseph, Mo., Chicago and Kankakee, Ill., and Crete, Nebr.; and (2) *pet food ingredients* from Norfolk, Ainsworth, Scottsbluff, and Laurel, Nebr., to points in Kansas, Missouri, Iowa, Ohio, Massachusetts, and Pennsylvania, parts (1) and (2) are restricted to traffic originating at and destined to the named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Salt Lake City, Utah.

No. MC 136343 (Sub-No. 29), filed April 5, 1974. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Egg cartons, egg cases, egg baskets, filler flats, and containers*, for the account of Bartlett's Egg Dispatch, Inc., between points in Indiana, Kentucky, South Carolina, Georgia, Alabama, Mississippi, Florida, Illinois, Wisconsin, and Michigan.

NOTE.—Applicant holds contract carrier authority in MC 96098 and subs thereunder,

therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 136689 (Sub-No. 3), filed March 25, 1974. Applicant: SLAUGHTER TRANSPORTATION CORPORATION, 1806 Holland Avenue, Houston, Tex. 77029. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid cooking oils*, in containers, from Houston, Tex., to points in Louisiana and (2) *animal litter, bleaching and cleaning compounds and liquid cooking oils*, in containers, from Houston, Tex., to points in New Mexico, under contract with The Clorox Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 136786 (Sub-No. 51), filed April 1, 1974. Applicant: ROBCO TRANSPORTATION, INC., Suite 205, 3033 Excelsior Boulevard, Minneapolis, Minn. 55416. Applicant's representative: Val Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55416. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and storage facilities utilized by Western Potato Service, Inc., at Grand Forks, N. Dak., to points in California, Nevada, Utah, Colorado, Arizona, New Mexico, Arkansas, Louisiana, Mississippi, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Alabama, Georgia, and Florida; and (2) *foodstuffs*, from the plantsite and storage facilities utilized by Potato Service, Inc., at Presque Isle and Caribou, Maine, to points in Texas, Louisiana, Arkansas, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Kentucky, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, Missouri, Iowa, Wisconsin, and Minnesota, restricted to the transportation of shipments originating at the plantsites and storage facilities of Potato Service, Inc., at Caribou and Presque Isle, Maine, and Western Potato Service, Inc., at Grand Forks, N. Dak., and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Minneapolis, Minn.

No. MC 136786 (Sub-No. 52), filed April 1, 1974. Applicant: ROBCO TRANSPORTATION, INC., Suite 205, 3033 Excelsior Boulevard, Minneapolis, Minn. 55416. Applicant's representative: Val Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, confectionery products, cough drops, and chewing gum* (except in bulk in tank vehicles) *and advertising materials and supplies* moving therewith (a) from Reading, Pa., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, and Ohio; (b) from Duryea, Pa., to points in Georgia, Florida, Alabama, Texas, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Kansas, Colorado, California, Oregon, Washington, and Pittsburgh, Pa.; (c) from Boston, Mass., to points in Ohio, Michigan, Indiana, Kentucky, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, California, Oregon, and Washington; (d) from Boston, Mass., and N. Grosvenor Dale, Conn., to points in Pennsylvania, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Oklahoma, Texas, California, and Georgia; (e) from Freehold, N.J., and Covington, Tenn., to points in Wisconsin, Illinois, Indiana, Ohio, Michigan, Minnesota, North Dakota, South Dakota, Nebraska, New Mexico, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, Iowa, Missouri, Kansas, Oklahoma, Arkansas, Louisiana, and Texas; and (2) *candy and confectionery products, chocolate coatings and syrups* (except commodities in bulk in tank vehicles) *and advertising materials and supplies* moving therewith, from Cambridge and Mansfield, Mass., and Sayesville, Cumberland, and Pawtucket, R.I., to Portland, Oreg.; Dallas and Houston, Tex.; Los Angeles and Emeryville, Calif.; and Salt Lake City, Utah, restricted to traffic originating at the plant sites and storage facilities utilized by Luden's, Inc. in (1)(a); Topps Chewing Gum Inc., in (1)(b); Schrafft Candy Company in (1)(c); Deron Confectionery Co., Inc., in (1)(d); Charms Company in (1)(e); and Nabisco Confections, Inc., in (2).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 136786 (Sub-No. 53), filed April 1, 1974. Applicant: ROBCO TRANSPORTATION, INC., Suite 205, 3033 Excelsior Boulevard, Minneapolis, Minn. 55416. Applicant's representative: Val Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55416. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site and storage facilities utilized by Totino's Finer Foods, Inc., at Fridley and Minneapolis, Minn., to points in New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida, restricted to traffic originating at the plantsite and storage facilities utilized by Totino's Finer Foods, Inc., and destined to points in the name states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 136857 (Sub-No. 1), filed April 1, 1974. Applicant: ROSELAND TRUCKING CORP., P.O. Box K, Roseland, N.J. 07068. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except meat and meat products, and commodities in bulk), from Roseland, N.J., to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida; and (2), *Materials and supplies*, used in the manufacture and packaging of foodstuffs, from the destination states named above, to Roseland, N.J., (1) and (2) above under a continuing contract, or contracts, with M. Planer and Son, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 138299 (Sub-No. 3), filed March 29, 1974. Applicant: TRAILS TRUCKING, INC., 719 Union Street, Montebello, Calif. 90640. Applicant's representative: Fred H. Mackensen, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and supplies*, from Portland, Oreg., to points in California, under contract or contracts with Nabisco, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138345 (Sub-No. 2), filed April 4, 1974. Applicant: BASIL B. GORDON AND CLAY M. POPE, a partnership, doing business as VALLEY SPREADER COMPANY, 260 North 9th Street, Brawley, Calif. 92227. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from points in Imperial County, Calif., to points in Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Yuma, Ariz., or Los Angeles, Calif.

No. MC 138385 (Sub-No. 2) (AMENDMENT), filed February 26, 1974, published in the FR issue of April 11, 1974, and republished as amended, this issue. Applicant: D & G TRANSPORTATION, INC., 20 Cameron Street, Clinton, Mass. 01510. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cereal, plastic, articles, lunch and picnic kits, napkins, salt, pepper, sugar, condiments and straws*, from Clinton, Mass., to points in New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Ohio, California, District of Columbia, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and New Jersey; and (2) *plastic pellets*, (except in bulk), from Kobuta, Pa., to Clinton, Mass., under continuing contract

with Van Brode Milling Co., Inc., and Wonder Container Corporation.

NOTE.—The purpose of this republication is to include "cereal" in the commodity description, which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 138432 (Sub-No. 3), filed March 29, 1974. Applicant: GARLAND GEHRKE, Route 1, Lincoln, Ill. 62656. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass containers, bottles or jars, and caps, covers, stoppers, tops, and fiberboard boxes* when transported in the same vehicle with glass containers, bottles or jars, between Lincoln, Ill., and points in Illinois having a prior or subsequent rail haul.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138527 (Sub-No. 1), filed March 29, 1974. Applicant: HESS, INC., P.O. Box 533, Fairbury, Nebr. 68352. Applicant's representative: Bradford E. Kistler, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Louis, Mo., to Fairbury, Nebr.; and (2) *empty bottles and containers*, used in the transportation of the commodities named in (1) above, from Fairbury, Nebr., to St. Louis, Mo., under contract with Fairbury Sales Company, restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to a transportation service to be performed under a continuing contract or contracts with Fairbury Sales Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 138719 (Sub-No. 1), filed March 29, 1974. Applicant: PATTEN TRUCKING COMPANY, INC., Box 297, Patten, Maine 04765. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite of Northern Mill and Lumber Co., at or near Patten, Maine, to points in Alabama, District of Columbia, Maine, Florida, Georgia, Illinois, Indiana, Kentucky, Missouri, North Carolina, South Carolina, and Tennessee, under a continuing contract with Northern Mill and Lumber Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 139034 (Sub-No. 2), filed March 26, 1974. Applicant: CHARLES MACE, doing business as MACE TRUCKING CO., 5808 17th St. Apt. C 4, Great Bend, Kans. 67530. Applicant's representative: (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from La Crosse, Kans., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with LaCrosse Furniture Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 139291, filed November 16, 1973. Applicant: LONDERGON TRUCKING CO., a Corporation, 2410 McDonough Street, Joliet, Ill. 06436. Applicant's representative: David H. Armstrong, Suite 1620, Ten South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer in bottles, cans, kegs, and other beer containers, and empty bottles, kegs, and other beer containers*, (1) between the plantsites of Pabst Brewing Co., located at Milwaukee, Wis.; G. Heileman Brewing Company, located at Sheboygan and La Crosse, Wis.; Pearl Brewing Co., located at St. Joseph, Mo.; and Stroh Brewing Co., located at Detroit, Mich.; and (2) between Chicago Heights, Elk Grove Village, and Joliet, Ill., under contract with Pabst Brewing Co., at Milwaukee, Wis.; G. Heileman Brewing Co., at Sheboygan and La Crosse, Wis.; Pearl Brewing Co., at St. Joseph, Mo.; and Stroh Brewing Co., at Detroit, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139306 (Sub-No. 1), filed March 21, 1974. Applicant: DEL R. STANAGE AND JOE R. STANAGE, doing business as STANAGE TRANSPORTATION, 121 Indian Springs Road, Hot Springs, Ark. 71901. Applicant's representative: Del R. (Ray) Stanage (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet* (broken glass), in bulk, in dump vehicles, between Ft. Smith, Little Rock, Malvern, and Wilson Springs, Ark.; Wichita, Kans.; Hattiesburg, Jackson, Meridian, Natchez, and Vicksburg, Miss.; Dyersburg, Tenn.; and Abilene, Brownwood, Dallas, Paris, San Antonio, and Wichita Falls, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 139367 (Sub-No. 2), filed April 1, 1974. Applicant: AKRON EXPRESS, INC., 1821 East Market Street, Akron, Ohio 44305. Applicant's representative: Mark J. Sheriff, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, dealt in by rubber and rubber products manufacturers (except commodities in bulk), (1) between the warehouses or plantsites of the B. F. Goodrich Company, located at or near Columbus, Medina, and Akron, Ohio, on the one hand, and, on the other, points in the Detroit, Mich., Commercial Zone; (2) between the plantsite of the B. F. Goodrich Company, located at or near Akron, Ohio, on the one hand, and, on the other, the warehouse of the B. F. Goodrich Company, located at or near Medina, Ohio; and (3) between the plantsites of the B. F. Goodrich Company, located at Fort Wayne, Ind., on the one hand, and, on the other, the warehouses or plantsite of the B. F. Goodrich Company, located at Columbus, Medina, and Akron, Ohio; (1), (2) and (3) above, under a continuing contract, or contracts, with B. F. Goodrich Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 139457 (Sub-No. 1), filed March 28, 1974. Applicant: G. L. SKIDMORE, doing business as JELLY SKIDMORE TRUCKING COMPANY, P.O. Box 35, Paris, Tex. 75460. Applicant's representative: Dan Felts, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs;* and (2) *canned and packaged animal food*, from the plantsite and storage facilities of the Campbell Soup Company, located at or near Paris, Tex., to points in Oklahoma; and (3) *returned shipments of the above described commodities*, from points in Oklahoma to the plantsite and storage facilities of the Campbell Soup Company, located at or near Paris, Tex., under contract with the Campbell Soup Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Houston, Tex.

No. MC 139462 (Sub-No. 1), filed April 4, 1974. Applicant: RONALD R. PLUTA, doing business as BRONCO VAN AND STORAGE, 1061 Tervin Avenue, Salinas, Calif. 93901. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Monterey, Santa Cruz, San Luis Obispo, and San Benito Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salinas or Monterey, Calif.

No. MC 139487 (Sub-No. 1), filed April 2, 1974. Applicant: COBO, INC., Route 2, Box 78–A, Round Rock, Tex. 78664. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lightweight aggregate*, in bulk, in specialized dump motor vehicle, from the plantsite of Superock, Inc., at or near Streetman, Tex., to points in Oklahoma, Louisiana, and Arkansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 139555 (Sub-No. 2), filed March 25, 1974. Applicant: MODULAR TRANSPORTATION CO., a Corporation, 421 West Fulton Street, Grand Rapids, Mich. 49502. Applicant's representative: William D. Parsley, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles) *and trailer converter dollies and containers*, (1) from the plantsite of Fruehauf Corporation at or near Milan, Mich., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; (2) from the plantsite of Fruehauf Corporation at or near Fort Madison, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; (3) from the plantsite of Fruehauf Corporation at or near Fort Wayne, Ind., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; (4) from the plantsite of Fruehauf Corporaton at or near Uniontown, Pa., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; and (5) secondary movements, between points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 134071 Sub 4 pending therefore dual operations may be involved also. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 139589 (Sub-No. 2), filed March 12, 1974. Applicant: SOUTHWEST LIVESTOCK HAULING CO., P.O. Box 429, Brownwood, Tex. 76801. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal feedstuffs*, in bags or bulk, and *feed preservatives*, (1) from Brownwood and Sweetwater, Tex., to points in Arkansas, Louisiana, Oklahoma, and Des Moines, Iowa; and (2) from Des Moines, Iowa, to Brownwood and Sweetwater, Tex., restricted to traffic originating at or destined to the plant sites, facilities, or warehouses of Triple "F" Feeds of Texas, Inc., under contract or contracts with Triple "F" Feeds of Texas, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Dallas, Tex.

No. MC 139608 (Sub-No. 1) (PARTIAL CORRECTION), filed March 13, 1974, published in the FR issue of April 25, 1974, and republished as corrected in part this issue. Applicant: R. H. TRUCKING, INC., Route 2, Nichols, S.C. 29581. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004.

NOTE.—The purpose of this partial republication is to indicate the correct Docket No. as MC 139608 (Sub-No. 1) in lieu of MC No. 139653 as previously published. The rest of the notice remains as originally published.

No. MC 139626 (Sub-No. 1), filed March 25, 1974. Applicant: RUSE TRANSFER COMPANY, a Corporation, P.O. Box 178, Tabor, Iowa 51653. Applicant's representative: Gene Eaton, P.O. Box 317, Sidney, Iowa 51652. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and feed ingredients, animal and poultry medications, fencing and building materials, lumber, iron and steel articles*, as used on a farm, *agricultural implements and parts, machinery and machine parts, insecticides, pesticides, herbicides, and seed*, (a) from points in Arkansas, Illinois, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas, to the facilities of Farm Feeds, located at or near Tabor and Bartlett, Iowa; and (b) from the facilities of Farm Feeds, located at or near Tabor and Bartlett, Iowa, to points in the defined Kansas, Missouri, and points in Nebraska in a territory beginning at the Iowa-Nebraska State Boundary line on U.S. Highway 34, thence west to its intersection with Nebraska Highway 66, thence west via Nebraska Highway 66 to its intersection with Nebraska Highway 50, thence south via Nebraska Highway 50 to the Kansas-Nebraska state line, thence south via Kansas Highway 63 to its intersection with Kansas Highway 16, thence east via Kansas Highway 16 to its intersection with Kansas Highway 116, thence east via Kansas Highway 116 to its intersection with U.S. Highway 159, thence south via U.S. Highway 159 to its intersection with U.S. Highway 59, thence north via U.S. Highway 59 to Kansas-Missouri state line, thence east via U.S. Highway 59 to its intersection with Missouri Highway 116, thence east via Missouri Highway 116 to intersection with U.S. Highway 69, thence north via U.S. Highway 69 ending at the Iowa-Missouri state line, and points in Iowa; and (2) *Petroleum products, fertilizers, anhydrous ammonia, insecticides, pesticides, and herbicides;* (a) from points in Arkansas, Illinois, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas, to the facilities of Tabor Fertilizer Corporation, located at or near Tabor and Bartlett, Iowa; and (b) from the facilities of Tabor Fertilizer Corporation, located at or near Tabor and Bartlett, Iowa, to the same destination territory as set out in paragraph (1)(b) above.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 139628 (Sub-No. 2), filed April 3, 1974. Applicant: GLENN DAVID COWAN & JAMES ESTILL COWAN, a partnership, Route 1, East Bernstadt, Ky. 40741. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the plantsite of Avalon Cheese Company of London, Ky., Inc., at London, Ky., and Eaglepass Cheese Company, Inc., Albany, Ky., to the plantsite of The Borden Foods Company, Van Wert, Ohio, and *empty containers on return*, under continuing contracts with Avalon Cheese Company of London, Ky., Inc. and Eaglepass Cheese Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Ky., or Frankfort, Ky.

No. MC 139643, filed March 25, 1974. Applicant: SEVEN DAY COMPANY, a Corporation, Post Office Box 1213, 212½ South Third Street, Woodville, Miss. 39669. Applicant's representative: Jerry H. Blount, Suite L120 Capital Towers, 125 South Congress Street, Jackson, Miss. 39201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood blanks on pallets*, from the plant site of Ames A. McDonough Company, Woodville, Miss., to points in Memphis and Lebanon, Tenn., under contract with Ames A. McDonough Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 139645, filed March 18, 1974. Applicant: SERVICE MOTOR FREIGHT, INC., 133 East Atlantic Avenue, Lawnside, N.J. 08045. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except lumber, structural steel, and hardware), (a) between Chester, Pa., on the one hand, and, on the other, points in Baltimore, Baltimore City, Harford, Cecil, and Prince Georges Counties, Md., Kent and New Castle Counties, Del., Kings, Queens, Richmond, Bronx, New York, and Westchester Counties, N.Y., and those in New Jersey and the District of Columbia, and (b) Between Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, Baltimore, Md., points in New Jersey, the District of Columbia, those in Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia Counties, Pa., Kent and New Castle Counties, Del., Baltimore, Cecil, Harford, and Prince Georges Counties, Md., and Bronx, New York, Kings, Queens, Richmond, and Westchester Counties, N.Y.; (2) *Fiberglas materials and products* including *fibrous glass mineral wool products* and *fibrous glass textile materials and products, and plastic materials and products* (except liquid commodities, in bulk, in tank vehicles), between Barrington, N.J., on the one hand, and, on

the other, points in Georgia, Illinois, Indiana, Kentucky, Maine, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, West Virginia, Vermont, the Lower Peninsula of Michigan, that part of Pennsylvania west of Fulton, Huntingdon, Blair, Centre, Clinton, and Potter Counties, Pa., and that part of New York west or north of Chemung, Tompkins, Cayuga, Oswego, Oneida, Herkimer, Hamilton, Warren, and Washington Counties, N.Y., with no transportation for compensation on return except as otherwise authorized; (3) *fiberglas materials and fiberglas products, fibrous glass mineral wool products, fibrous glass textile materials,* and *fibrous glass textile products,* and *plastic materials* and *plastic products* (except liquid commodities, in bulk, in tank vehicles), from Barrington, N.J., to points in Virginia, Maryland, Massachusetts, Connecticut, Rhode Island, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia;

(4) *Fibrous glass textile material sand fibrous glass materials products,* and *plastic materials and plastic products* (except liquid commodities, in tank vehicles), from Ashton, R.I., and Huntington, Pa., to Barrington, N.J.; (5) *equipment, materials, and supplies* used in the installation and erection of fiberglas materials and products, fibrous glass mineral wool products, fibrous glass textile materials and products, and plastic material and products, from Barrington, N.J., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, the Lower Peninsula of Michigan, and the District of Columbia; (6) *pulpboard, fibreboard boxes, paper and paper products* (except printing and fine papers), from Spotswood, N.J., to points in New York, New Jersey, New Hampshire, Pennsylvania, Rhode Island, Massachusetts, Maine (except Aroostook County), Maryland, Delaware, Vermont, Connecticut, Virginia, and the District of Columbia; (7) *precast concrete products,* except commodities the transportation of which, because of size or weight, require the use of special equipment, from the Camden Architectural Cast Stone Co., Inc., plantsite about 12 miles south of Camden, N.J. (three miles west of North-South Freeway), to points in Connecticut, Delaware, Maryland, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia;

(8) *Corrugated paper, corrugated paper products,* and *commodities used in the manufacture thereof* (except in bulk), and *scrap paper and waste paper,* between Tallman, N.Y., on the one hand, and, on the other, points in Pennsylvania, Vermont, Massachusetts, Connecticut, New Jersey, Rhode Island, Maryland and Delaware; (9) *paper products,* from the Parkway Industrial Center in Anne Arundel County, Md., to points in Delaware, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia; (10) *paper and paper products,* from Whippany, N.J., to points in Connecticut, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania and Rhode Island; (11) *materials and supplies* (except commodities in bulk) used in the manufacture of paper and paper products, from points in Connecticut, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, and Rhode Island, to Whippany, N.J.; (A) The authority in paragraphs 1 through 5 is restricted to traffic originating at or destined to the plantsites, warehouses or shipping facilities of Owens-Corning Fiberglas Corporation, of Toledo, Ohio; (B) The authority in paragraph 6 is restricted to traffic originating at or destined to the plantsites, warehouses or shipping facilities of Inland Container Corporation; (C) The authority in paragraph 7 is restricted to traffic originating at or destined to the plantsites, warehouses or shipping facilities of Camden Architectural Cast Stone Co., Inc.; (D) The authority in paragraphs 8 through 11 is restricted to traffic originating at or destined to the plantsites, warehouses or shipping facilities of International Paper Company.

NOTE.—Applicant holds all of the above authority as a contract carrier in Permit MC-3094 and Subs 10, 11, 13, 14, 15, 17, 19, and 21 (pending) and seeks by this application to convert said authority to common carrier operations. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 139658, filed March 28, 1974. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Basic slag,* from points in Jefferson County, Ala.; and (2) *dolomitic limestone,* in bulk, in dump trucks, from points in Lee County, Ala., to points in and south of Troup, Meriwether, Pike, Lamar, Monroe, Bibb, Twiggs, Wilkinson, Johnson, Emanuel, Bulloch, Effingham, and Chatham Counties, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 139685, filed April 2, 1974. Applicant: SPEEDWAY CARRIERS, INC., P.O. Box 2218, 1040 Price Street, Pomona, Calif. 91767. Applicant's representative: Donald L. Stern, Suite 530, Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Lamp ballasts, not enclosed in channels,* from the plantsite and storage facilities of the General Electric Company, at Danville, Ill., to Denver, Colo., Albuquerque, N.M., and points in California, Oregon, Washington, and Minnesota; and (2) *plastic resins and plastic sheets, in containers,* from the plantsite and storage facilities of the General Electric Company, at Mt. Vernon, Ind., to Salt Lake City, Utah, Phoenix, Ariz., Albuquerque, N.M., Boulder, Denver, and Ft. Collins, Colo., and points in California, Oregon, and Washington, under contract with the General Electric Co., at Danville, Ill., and Mt. Vernon, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139689, filed March 29, 1974. Applicant: BAILEY'S MOVING AND STORAGE COMPANY, a Corporation, 640 North Main Street, No. Salt Lake City, Utah 84054. Applicant's representative: Bob Linnell, 3600 South 124th, Seattle, Wash. 98168. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods,* as defined by the Commission, between points in Box Elder, Cache, Weber, Morgan, Davis, Salt Lake, Wasatch, Tooele, Rich, Utah, Sanpete, Juab, Carbon, Duchesne, and Uintah Counties, Utah, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City or Ogden, Utah.

PASSENGER APPLICATIONS

No. MC 39491 (Sub-No. 14), filed March 21, 1974. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in special operations, beginning and ending at New York, N.Y., and extending to the Neshaminy Park Race Track, Bucks County, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 101883 (Sub-No. 5), filed March 18, 1974. Applicant: PAUL CAVALLO BUS LINE, 301 W. Osie Street, Gillespie, Ill. 62033. Applicant's representative: Paul Cavallo (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle, in round-trip charter operations, beginning and ending at points in Macoupin, Montgomery, Jersey, and Madison Counties, Ill. (except Alton, Ill., and points in Madison County south of Route 140), and extending to points in Minnesota, Wisconsin, Iowa, Kansas, Arkansas, Kentucky, Tennessee, Indiana, Ohio, Michigan, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 139677 filed April 2, 1974. Applicant: AUTO/BUS CORPORATION,

850 Fernham Lane, Forestville, Md. 20028. Applicant's representative: William M. Thomson, 521 Powell Drive, Rt. 1, Annapolis, Md. 21401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (a) *Passengers and their baggage*, and (b) *automobiles* accompanying the passengers described in (a), in separate vehicles, (1) Between Providence, R.I., and New York, N.Y.: From the terminal facilities utilized by AUTO/BUS CORPORATION located at Providence, R.I., southwest over Interstate Highway 95 to the terminal facilities utilized by AUTO/BUS CORPORATION in the New York, N.Y., Commercial zone, and return over the same route, serving no intermediate or off-route points; (2) Between New York, N.Y., and Washington, D.C.: From the terminal facilities utilized by AUTO/BUS CORPORATION in the New York, N.Y., Commercial Zone over Interstate Highway 95 to junction New Jersey Turnpike near Hackensack N.J., thence southwest over the New Jersey Turnpike to junction J. F. Kennedy Memorial Highway near Wilmington, Del., thence southwest over J. F. Kennedy Memorial Highway to junction Interstate Highway 695 near Baltimore, Md., thence counterclockwise around Interstate Highway 695 to junction Interstate Highway 95, thence southwest over Interstate Highway 95 to junction Interstate Highway 495 near Washington, D.C., thence clockwise around Interstate Highway 495 to the terminal facilities utilized by AUTO/BUS CORPORATION in the Washington, D.C., Commercial Zone and return over the same route, serving no intermediate or off route points; (3) Between Washington, D.C. and Orlando, Fla.:

From the terminal facilities utilized by AUTO/BUS CORPORATION in the Washington, D.C., Commercial Zone clockwise around Interstate Highway 495 to junction Interstate Highway 95, thence south over Interstate Highway 95 to junction Interstate Highway 4 near Daytona Beach, Fla., thence south over Interstate Highway 4 to the terminal facilities utilized by AUTO/BUS CORPORATION at Orlando, Fla., and return over the same route, serving no intermediate or off-route points (applicant indicates that for that incomplete portion of Interstate Highway 95 between a point nine miles south of Petersburg, Va., and Kingsland, Ga., it will traverse parallel routes including portions of U.S. Highway 301, U.S. Highway 15, U.S. Highway 17, U.S. Highway 17A, Interstate Highway 16, U.S. Highway 341, Georgia Highway 303, and access roads connecting Interstate Highway 95 with above listed highways); (4) Between Orlando, Fla., and Miami, Fla.: From the terminal facilities utilized by AUTO/BUS CORPORATION south-west over Interstate Highway 4 to junction Florida Turnpike, thence southeast over Florida Turnpike to junction Interstate Highway 95 in Dade County, Fla., thence south over Interstate Highway 95 to the terminal facilities utilized by AUTO/BUS CORPORATION at Miami, Fla., and return over the same route, serving no intermediate of off-route points; and (5) Between Orlando, Fla., and the terminal facilities utilized by AUTO/BUS CORPORATION on Florida Highway 865 approximately five miles south of Ft. Myers Beach, Fla.: From the terminal facilities utilized by AUTO/BUS CORPORATION at Orlando, Fla., southwest over Interstate Highway 4 to junction Florida Highway A557, thence south over Florida Highway A557 to junction U.S. Highway 17 at Cypress Gardens, Fla., thence south over U.S. Highway 17 to junction U.S. Highway 41 at Punta Gorda, Fla., thence south over U.S. Highway 41 to junction Florida Highway 865, thence west and north over Florida Highway 865 to the terminal facilities utilized by AUTO/BUS CORPORATION on Florida Highway 865 approximately five miles south of Ft. Myers Beach, Fla., and return over the same route, serving no intermediate or off-route points.

NOTE.—Applicant indicates it intends to join the requests for authority in (1) through (5) above. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., Providence, R.I., or Orlando, Fla.

No. MC 139721, filed April 3, 1974. Applicant: ALL WORLD TRAVEL, INC., 1306 Knox Avenue, Easton, Pa. 18042. Applicant's representative: Paul F. Ruch, Jr. (address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their luggage*, in limousine service limited to driver and nine passengers, between points in Northhampton County, Pa., and Warren County, N.J., to the piers and airports at Newark, N.J., Philadelphia, Pa., and New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Allentown, Pa., and as an alternate: Philadelphia, Pa.

BROKER APPLICATION

No. MC 130238, filed April 4, 1974. Applicant: AUTOMOBILE CLUB OF SOUTHERN INDIANA INCORPORATED, 300 Southeast Riverside Drive, Evansville, Ind. 47713. Applicant's representative: William H. Van Deest, 1167 Lombard Avenue, Evansville, Ind. 47715. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Evansville, Ind., to sell or offer to sell the transportation of *passengers in groups and baggage of passengers*, beginning and ending at Evansville, Ind. and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind. with alternate choices: Louisville, Ky., Indianapolis, Ind.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-10615 Filed 5-9-74;8:45 am]

FEDERAL ENERGY OFFICE

ENVIRONMENTAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Environmental Advisory Committee will meet Wednesday, May 22, 1974 at 9:30 a.m., in Room 3140A, Federal Energy Office, New Post Office, Benjamin Franklin Station, 12th and Pennsylvania Avenue NW., Washington, D.C.

The committee was established to advise the Administrator, Federal Energy Office, with respect to general environmental aspects of interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

The agenda for the meeting is as follows:

1. Proposed Energy Facility Siting Legislation.
2. National Environmental Policy Act.
3. Clean Air Act Amendments.
4. Recommendations of prior meeting, March 12, 1974.

Further information concerning this meeting may be obtained from Ken Woodcock, Federal Energy Office, Washington, D.C., 202/961-8656.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

The meeting is open to the public; however space and facilities are limited.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-10926 Filed 5-8-74;11:21 am]

STATE REGULATORY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the State Regulatory Advisory Committee will meet Thursday, May 16, 1974 at 9:00 a.m. in Room 3400, Federal Energy Office, New Post Office, Benjamin Frankiln Station, 12th and Pennsylvania Avenue NW., Washington, D.C.

The committee was established to advise the Administrator, Federal Energy Office, with respect to State utility regulatory commission interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

The agenda for the meeting is as follows:

1. Restructure of Utility Rates
2. Curtailment of Natural Gas
3. Consideration of Interruptible Gas Contracts
4. Organizational matters

Further infomation concerning this meeting may be obtained from Clarke Grover, Federal Energy Office, Washington, D.C., 202/961-7575.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

The meeting is open to the public; however space and facilities are limited.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-10925 Filed 5-8-74;11:21 am]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR Page

PROCLAMATIONS:

4289 ... 15251
4290 ... 15253
4291 ... 15255

EXECUTIVE ORDERS:

11588 (see EO 11781) ... 15749
11615 (see EO 11781) ... 15749
11627 (see EO 11781) ... 15749
11695 (superseded in part by EO 11781) ... 15749
11723 (superseded in part by EO 11781) ... 15749
11730 (superseded in part by EO 11781) ... 15749
11748 (see EO 11781) ... 15749
11781 ... 15749
11782 ... 15991

5 CFR

213 ... 15383, 16228, 16229
532 ... 16439
930 ... 15110

6 CFR

150 ... 16126
152 ... 16127
153 ... 16127
155 ... 15276

PROPOSED RULES:

150 ... 15309, 15488

7 CFR

1 ... 15277
2 ... 16470
52 ... 15404, 15996
220 ... 16470
225 ... 15756
301 ... 15404
401 ... 16471
730 ... 15758
731 ... 15759
795 ... 15996
905 ... 16231
907 ... 15277, 16471
908 ... 15278, 15761 16472
910 ... 15403, 15996
911 ... 15097
944 ... 16472
1007 ... 15762
1030 ... 15405
1032 ... 15417
1046 ... 15427
1049 ... 15437
1050 ... 15448
1060 ... 16232
1061 ... 16242
1062 ... 15458
1063 ... 16251
1064 ... 16260
1065 ... 16273
1068 ... 16285
1069 ... 16294
1070 ... 16303
1071 ... 15775
1073 ... 15786

7 CFR—Continued Page

1076 ... 16312
1078 ... 16321
1079 ... 16278, 16328
1090 ... 15798
1094 ... 15807
1096 ... 15817
1097 ... 15826
1098 ... 15836
1099 ... 15469
1102 ... 15847
1104 ... 15997
1106 ... 16008
1108 ... 15855
1120 ... 16019
1126 ... 16031
1127 ... 16042
1128 ... 16053
1129 ... 16064
1130 ... 16073
1131 ... 16084
1132 ... 16094
1137 ... 15867
1138 ... 16105
1207 ... 16117
1434 ... 15098
1832 ... 16117
1842 ... 16117
1843 ... 15868

PROPOSED RULES:

613 ... 16480
620 ... 15284
621 ... 15284
622 ... 15284
623 ... 15284
624 ... 15284
911 ... 15284
915 ... 15488
924 ... 16361
944 ... 15141
1001 ... 15488
1002 ... 15488
1004 ... 15488
1015 ... 15488
1033 ... 15488
1036 ... 15488
1040 ... 15488
1049 ... 15488
1701 ... 16362

8 CFR

PROPOSED RULES:

242 ... 15283

9 CFR

73 ... 15756
78 ... 15402
331 ... 15257
381 ... 15257

10 CFR

Rulings ... 15140
50 ... 16439
211 ... 15138, 15960
212 ... 15138
215 ... 15137

PROPOSED RULES:

20 ... 16481

12 CFR Page

303 ... 16229
545 ... 15111
581 ... 15111

PROPOSED RULES:

340 ... 15510
545 ... 16484
561 ... 15881

14 CFR

39 ... 15257, 15258, 16118, 16338
71 ... 15099, 15259, 15383, 16118, 16119, 16339, 16439, 16440
73 ... 15259, 16339
75 ... 16340
97 ... 15259, 16340
221 ... 16119
241 ... 16120
298 ... 16341

PROPOSED RULES:

39 ... 15143
71 ... 15143, 15307, 15308, 16153, 16364–16366
103 ... 16481
399 ... 15309

15 CFR

377 ... 15112

16 CFR

13 ... 15115, 15116, 15384, 15385
432 ... 15387
1105 ... 16202

17 CFR

210 ... 15260
230 ... 15261
240 ... 15402
241 ... 16470
249 ... 15755

PROPOSED RULES:

240 ... 15145

18 CFR

2 ... 16338, 16441
159 ... 16338

PROPOSED RULES:

35 ... 15510
157 ... 16487

19 CFR

4 ... 15116
19 ... 15117
148 ... 16343

20 CFR

PROPOSED RULES:

404 ... 16152
405 ... 15230
602 ... 15307

21 CFR — Page

1 ... 15268, 16227
3 ... 15269
15 ... 16227
18 ... 15993
19 ... 16227
121 ... 15269, 15753, 15996
135 ... 15270
135b ... 15996
135c ... 15270
135e ... 15270
141 ... 16442
148i ... 15753
1002 ... 16227
1010 ... 16227
1308 ... 16442

PROPOSED RULES:

3 ... 15306
121 ... 15879
141a ... 15879
146a ... 15879
149h ... 15879

23 CFR

655 ... 16443
790 ... 16122

24 CFR

1914 ... 15100, 15101, 15870–15872, 16468
1915 ... 15102, 15873, 15874

26 CFR

301 ... 15854
601 ... 15854

PROPOSED RULES:

20 ... 15878

28 CFR

0 ... 15875
16 ... 15875
45 ... 16444

29 CFR

102 ... 15271
519 ... 15117
522 ... 15122
1915 ... 15124
1916 ... 15125
1917 ... 15125
1952 ... 15394

PROPOSED RULES:

1602 ... 16157

33 CFR

82 ... 16230
110 ... 15271
117 ... 16231

36 CFR — Page

PROPOSED RULES:

7 ... 16151
212 ... 16479

38 CFR

3 ... 15125

39 CFR

132 ... 15271
135 ... 15271
136 ... 15271

40 CFR

35 ... 15760
51 ... 16122, 16343
52 ... 16272, 16123, 16344, 16348
60 ... 15396
61 ... 15396
80 ... 16123
108 ... 15398
165 ... 15236
180 ... 15126
419 ... 16560
431 ... 16578

PROPOSED RULES:

52 ... 16366
79 ... 15145
80 ... 15315, 16123
120 ... 15505
180 ... 15880
419 ... 16574
431 ... 16582

41 CFR

3–4 ... 16126
5A–2 ... 15126
5A–16 ... 15126
14–1 ... 15273
14–3 ... 15273
14–4 ... 15273
14–63 ... 15399

PROPOSED RULES:

3–50 ... 15141
15–1 ... 16142

42 CFR

57 ... 16473
101 ... 16206

PROPOSED RULES:

57 ... 16151
83 ... 11541
110 ... 16422

43 CFR

5411 ... 16126

45 CFR — Page

189 ... 15481
1450 ... 15484

PROPOSED RULES:

103 ... 15294
130 ... 15298
173 ... 15952
233 ... 16362
234 ... 15232

46 CFR

282 ... 16445

PROPOSED RULES:

34 ... 16364
76 ... 16364
95 ... 16364
146 ... 16481
181 ... 16364
193 ... 16364
502 ... 16486

47 CFR

13 ... 15128
73 ... 16349, 16353, 16467
89 ... 15129

PROPOSED RULES:

2 ... 15315, 15507, 16481
43 ... 16481
73 ... 15145, 15317, 15324, 15509, 16482–16484
76 ... 15327, 16484
81 ... 16481
87 ... 16481
89 ... 15507
91 ... 15315, 15507, 15509, 16481
93 ... 15507, 16481
94 ... 16481

49 CFR

Chapter IIII ... 15129
573 ... 16469
575 ... 16469
571 ... 15130, 15274, 16126
1033 ... 15130, 15131, 15401, 15402

PROPOSED RULES:

170 ... 16481
171 ... 16481
172 ... 16481
173 ... 16481
174 ... 16481
175 ... 16481
176 ... 16481
177 ... 16481
571 ... 15143

50 CFR

28 ... 15274
32 ... 15275
33 ... 16126, 16231, 16469
280 ... 15131

PROPOSED RULES:

33 ... 15879

FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*
15087–15241	May 1
15245–15375	2
15377–15741	3
15743–15983	6
15985–16217	7
16219–16432	8
16433–16824	9

federal register

THURSDAY, MAY 9, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 91

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PETROLEUM REFINING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 419—PETROLEUM REFINING POINT SOURCE CATEGORY

On December 14, 1973 notice was published in the FEDERAL REGISTER (38 FR 34542), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the topping subcategory, cracking subcategory, petrochemical subcategory, lube subcategory, and integrated subcategory of the petroleum refining category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the topping subcategory, cracking subcategory, petrochemical subcategory, lube subcategory, and integrated subcategory of the petroleum refining category of point sources, by amending 40 CFR Ch. I, Subchapter N, to add a new Part 419. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision, which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the topping subcategory, cracking subcategory, petrochemical subcategory, lube subcategory, and integrated subcategory. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Petroleum Refining Segment of the Petroleum Refining Point Source Category" (December 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Petroleum Refining Industry" (September 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows. The regulation as promulgated contains some significant departures from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not made.

(a) *Summary of major comments.* The following responded to the request for comments which was made in the preamble to the proposed regulation: Interstate Sanitation Commission; Shell Oil Company; Phillips Petroleum Company; Getty Oil Company; Union Oil Company of California; Exxon Company, USA; Larry D. Killion; American Petroleum Industry; Standard Oil Company of Ohio; UOP Process Division; Gulf Oil; City of Buffalo; Mobil Oil Corporation; Macario Independent Refinery; Texaco Incorporated; Standard Oil Company of Indiana; National Wildlife Federation; State of California; County of Erie, NY; State of Alaska; Los Angeles County; Buffalo (N.Y.) Area Chamber of Commerce; State of Colorado; State of Michigan; U.S. Water Resources Council; Sun Oil Company; Department of the Interior; The Honorable Henry P. Smith, III; State of North Carolina.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and EPA's response to those comments.

(1) Clean rainfall limits should be set at the same level as treatment plant effluent to avoid having to treat marginally contaminated runoff.

The handling of storm runoff was reevaluated and the run-off from a refinery was broken down further to consider tankfield runoff, process area runoff and other noncontaminated runoff. This reevaluation also considered the treatment of marginally contaminated runoff. (See "Development Document," Section VII).

As a result of this evaluation a limit of 35 mg/1 TOC and 15 mg/1 oil and grease (both maximums) was set for both tankfield runoff and other uncontaminated runoff. (This is changed from 15 mg/1 of TOC and no visible sheen). The limits for contaminated runoff (process area runoff treated along with other process wastes) should remain the same.

(2) The definition of feedstocks should include imported catalytic cracker feed, reformer feed and petrochemical feeds.

Since these feeds do not receive full processing at the refinery and are free of some contaminants (removed during prior processing), no allocation based on throughput should be given. The additional waste loads caused by the processing required is taken into account by the higher process factor the refinery will receive. (See "Development Document," Section IX).

(3) Once-through cooling water should not be included in a production based allocation. The reasons for this statement and alternate approaches given are as follows:

(a) The March 7, 1973 guidance excluded once-through water from consideration; (b) the low concentrations contained have no environmental impact; (c) analytical techniques do not allow for accurate results at low concentrations; and (d) a separate limit of 5 mg/1 of TOC (net) should be used.

An evaluation of water flow data from over one hundred refineries, both with recycle and once-through cooling water systems, showed that only 25 percent of the total flow from recycle refineries results from cooling tower blowdown. In addition, the once-through refineries showed higher process waste flows than the recycle refineries. Therefore, once-through cooling water is being excluded from the production based allotment and a separate limit of 5 mg/1 of TOC is being set to prevent gross contamination of these waters. (See "Development Document"; section IX; Supplement B, "Refinery Water Use".)

(4) Limits should be based on a monthly average rather than 30 day running average. (Running average—any thirty consecutive days).

The limits are set in terms of a running average to prevent slackening off at the end of any fixed period and therefore guarantee optimum performance at all times.

(5) There isn't enough variability allowed between the daily and monthly limits. Arguments given to justify higher values were as follows:

(a) Data were not random or normally distributed; (b) variability not being met by some refineries using BPCTCA end-of-pipe; and (c) high analytical errors.

The variability factors can not be compared as a ratio of daily and monthly (30 day average) values. Both the daily and 30 day average variabilities were based on the annual average. The daily variability predicts the maximum day over a period of a year and the 30 day average variability predicts the maximum 30 day average in any year.

These variabilities were computed from data taken from several plants (one year's or more data in each case). The variability factors therefore include all of the errors (resulting variability) that result from sampling and analytical technique and accuracy.

The date from the plants analyzed were found to be either normally or log normally distributed.

The fact that certain refineries, which already have the end-of-pipe treatment as defined by BPCTCA, are showing higher variabilities than those of the exemplary plants only points out that BPCTCA as defined should include factors other than end-of-pipe treatment (i.e. good water use practices, good housekeeping, etc.). (See "Development

Document," section IX, "Statistical Variability of a Properly Designed and Operated Waste Treatment Plant"; Supplement B, "Variability").

The daily maximum variability was increased to reflect a 99 percent probability of occurrence. This was done to reduce the number of technical violations.

TOC limit should be eliminated and set later as its ratio to BOD5 is determined at each refinery.

The limits set for TOC are necessary because of the many instances when BOD5 COD, or both are not practical limits (as a result of analytical errors, time limitations, etc.). (See "Development Document," section IX; "Procedure for Development of BPCTCA Effluent Limitations").

The ratio of TOC/BOD, proposed at 1.8 was raised to 2.2.

(7) A subcategorization should be made based on the age of the refinery because of non-segregated sewers and the inequitable financial burden.

Those refineries with non-segregated sewers will probably have to either segregate their once-through cooling water or go to recycle cooling. This has already been done by many older refineries and was considered as part of the economic evaluation.

(8) The American Petroleum Institute has proposed a method to further subcategorize the petroleum industry. This approach is based on a mathematical analysis of the 1972 EPA/API Raw Waste Load Survey Data. This analysis (not yet completed) proposes to determine the relative effect of various process types on the total refinery flow.

An intensive investigation of this approach has been carried out. As a result, it was found that both size (feedstock throughput) and process configuration weigh heavily in determining the final flows. Tables have been included in the regulation to allow variation within each subcategory based on both size and process configuration. (See "Development Document," section IV; Supplement B, "Refinery Configuration Analysis").

The size and process factors determined from the above investigation were used to further subcategorize the petroleum industry.

(9) Special consideration should be given for refineries charging California crudes because of the high nitrogen, sulfur and naphthenic acid content.

The heavy (10–20 API gravity) nature of the California crudes requires more intensive processing (cracking, etc.) than lighter grades of crude. From the data available, the process factor (based on severity of operations) adequately accounts for the higher raw waste loads seen in refineries running California crudes. (See "Development Document," Section IV; Supplement B, "California Crudes".)

(10) There is no allowance given in the guidelines for the contaminants present in the intake water (net vs. gross), which are said to be especially significant in once-through cooling water.

The effluent limitations guidelines have generally been developed on a gross or absolute basis. However, the Agency recognizes that in certain instances pollutants will be present in navigable waters which supply a plant's intake water, in significant concentrations, which may not be removed to the levels specified in the guidelines by the application of treatment technology contemplated by BPCTCA.

Accordingly, the Agency is currently developing amendments to its NPDES permit regulations (40 CFR Part 125) which will specify the situations in which the Regional Administrator may allow a credit for such pollutants. The regulations will be proposed for public comment in the near future.

(11) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee. This proposal is for a significantly different approach to the development of effluent guidelines.

The above-mentioned proposals are under evaluation as a contribution toward future refinements on guidelines for some industries. The Committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation. Its present state of development does not provide enough evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(12) The BATEA limits were objected to because they are based on pilot plant data.

The Agency recognizes that the technology specified herein as best available technology economically achievable has not been demonstrated in day-to-day operations in this industrial category. However, in determining whether technology has been "demonstrated" for the purposes of standards which must be achieved by 1983, the Agency does not believe that the same high degree of confidence that the technology will work must exist as is the case for 1977 standards. In making the judgment as to whether or not the technology is "available," the Agency examined a wide range of information, including the use of the technology to treat similar wastes in other industrial categories, pilot plant and demonstration projects, and laboratory and other experimental data on various waste treatment processes. Based on such data and information, and the application of the Agency's best judgment, the technology specified herein was determined to constitute the best available technology economically achievable for the petroleum refinery category.

It is recognized that, in some cases, the industry must itself perform some of the pilot plant and other developmental work which will be necessary to bring the technology into full utilization. This does not however, alter the Agency's judgment that the technology is "available," is "economically achievable," and can be brought on line in time to achieve full compliance by 1983, as required by the Act.

(13) The flow basis, based on 97 percent recycle flow, is too restrictive to be met by older refineries with once-through cooling water and does not consider the varying process complexities within subcategories.

The flow basis is not a flow restriction. It was used to determine the expected pounds/day from a refinery with good water use and the specified end-of-pipe treatment scheme. The refinery with once-through cooling water may continue to discharge that water.

The guideline takes into consideration the difference in expected flow caused by varying process complexities by the use of a process factor that varies the limits within each subcategory based on process configuration. (See "Development Document"; Section IX).

(14) EPA failed to adequately consider factors such as raw material used, products produced, processes, and waste water constituents.

The use of the process factors directly considers the processes used. The raw materials used, products produced and the waste water constituents are covered indirectly because each determines or is determined by the process configuration of each refinery. (See "Development Document"; Section IV; Supplement B, "Refinery Configuration Analysis").

(15) No allowances have been made for malfunctions, breakdowns, and upsets of the treatment plant. Since it may take several weeks to recover from a severe upset, a procedure for reporting these circumstances and obtaining a temporary variance is necessary.

The guideline is based on normal operation. Any consideration of other than normal operation will be covered in the NPDES permits.

(16) The COD limits are too low because of test tolerances. EPA analytical methods state minimum reportable concentrations 200 mg/l in water with 1,000 mg/l of chloride.

Standard methods tolerance at 150 mg/l of COD is ±14 mg/l at 1,000 mg/l of chloride. There will still be cases where extremely high chloride levels will negate the use of this test and that is one of the reasons for limits being set for three oxygen demanding parameters (BOD5, COD, and TOC).

(17) Data from pilot plant carbon systems indicate removal efficiencies (percent removal) less than those used for BATEA limits. (BOD, COD, oil and grease).

The pilot plant values used are referenced in Table 65 of the Development Document. Concentrations, not removal efficiencies were used to set BOD and oil and grease limits for BATEA.

(18) The oil and grease limits should be raised because the references in the Development Document showed 10 mg/l attainable from bio-treatment and 7 mg/l from activated carbon, yet the guideline is based on 5 mg/l.

The guideline limit (BPCTCA) is based on neither bio-treatment nor activated carbon, but on a polishing step after bio-treatment (i.e., polishing ponds, filters, etc.) (See "Development Document," sections VII and IX).

(19) Consideration should be given to refineries in northern climates because of the effect of temperature on biological treatment systems.

Of the many refineries currently meeting EPA's guidelines for BOD5, several are located in northern climates (e.g. Billings, Montana; Alma, Michigan). (See supplement B, refinery data).

(20) The Economic Impact Analysis states, "It is not expected that any significant economic impact would result from imposing the 1977 and 1983 effluent limitations." This is not true, especially in the light of the current and future unstable situation of crude oil supply.

An economic impact analysis of pollution controls on the refinery industry completed February, 1974 states "As a result of recent world developments there is a substantial differential between world cartel prices and U.S. domestic oil prices. If this continues, there is reason to suggest that a number of the projected small refinery closures might not occur. Certainly the ability to attract long-term financing for pollution abatement is greatly enhanced by the price differential that exists." (See supplement B, "Impact on Refineries of Pollution Control Regulations", February, 1974).

(21) Oil and grease limits should be based on a maximum effluent concentration of 1 mg/l and should be limited by concentration and not on pounds-production values.

There is neither a demonstrated treatment technology to guarantee 1 mg/l of oil and grease effluent concentration, nor an accepted analytical procedure to measure it.

(22) Effluent limits should be set as lbs/1000 gals of waste water flow based on a specified end-of-pipe treatment and a documented flow for each individual refinery.

This approach does not adequately consider the importance of the in-plant requirements of BPCTCA (good water use, housekeeping, etc.) (See "Development Document", sections VII and IX).

(23) Ammonia levels based on 80 percent removal from the median raw waste load (API separator effluent) and the BPCTCA removal step for ammonia is in-plant in the form of a stripper.

Even though the primary removal of ammonia in a refinery should be done during sour water stripping many refineries have not optimized toward ammonia removal (units designed for sulfide removal). The optimization of stripping for ammonia removal or the installation of two stage strippers is considered BPCTCA. In addition, ammonia will be removed in the treatment plant as it is needed to provide nutrient nitrogen for the biological system. (See "Development Document", section VII).

(24) The economic impact for the removal of chromium and zinc was not considered.

The zinc limit has been deleted as a result of an analysis of the zinc raw waste loads from over one hundred refineries. Only a small percentage of these refineries' raw waste loads exceeded the guideline zinc limit.

A similar analysis showed almost 50 percent of the refineries (using cooling towers, chromium appears in refinery wastes because of its use as a corrosion inhibitor in recycle cooling systems) meeting the total chromium limits with their raw waste. Since the solubility of $Cr+3$ is less than 0.1 mg/l between pH 6.0 to 9.0, the remaining refineries should meet the guidelines limits by removing the insoluble $Cr+3$ along with other suspended solids.

The reduction of $Cr+6$ to $Cr+3$ occurs naturally in a typical refinery waste because of the presence of reducing agents such as sulfides and sulfites.

The above factors will mean that no additional costs (for removal of chromium) should be involved for the majority of refineries above those required to meet the other parameter limits. (See supplemental B, "Raw Waste Load Survey—Zinc and Chromium").

(25) There is a need to monitor and control all identified pollutants such as TDS, cyanide and various other specific ions, in addition to the eleven parameters already being monitored and controlled.

The parameters limited in the guidelines are those which are fairly common to the industry and for which there is existing technology in use in the industry for their removal. The control and monitoring of any additional parameters might be called for on an individual basis to meet water quality standards.

(26) Promulgation is considered to be appropriate provided it is subject to realistic revision as new data becomes available.

The Act provides for periodic review and revisions as appropriate.

(b) Revision of the proposed regulation prior to promulgation.

As a result of public comment and continuing review and evaluation of the proposed regulation by EPA, the following changes have been made in the regulation.

(1) As a result of some changes in the subcategorization (low and high cracking combined to form the new cracking subcategory and the topping subcategory being defined as those refineries without cracking) a reevaluation of the median flows within each subcategory was made. The changes made are as follows: topping from 12 gal/bbl to 20 gal/bbl; cracking from (low) 17 gal/bbl, (high) 21 gal/bbl to 25 gal/bbl; petrochemical from 25 gal/bbl to 30 gal/bbl; lube from 37 gal/bbl to 45 gal/bbl; and integrated from 45 gal/bbl to 48 gal/bbl. The parameter limits which are flow based were adjusted accordingly.

(2) The limits on storm water runoff from tankfields and non-process areas were changed from 15 mg/l of TOC and no sheen to 35 mg/l of TOC and 15 mg/l of oil and grease (both maximums). These limits are set at those same maximum concentrations expected if the runoff were passed through the treatment plant.

(3) A further subcategorization of the industry was made based on process configuration and size.

(4) Zinc was eliminated as a parameter to be limited industry wide. Further evaluation of the API/EPA Raw Waste Load Survey showed only a small percentage of the industry over the zinc limits set.

(5) The ammonia limits were changed based on the changes in the subcategorization.

(6) The ratio of TOC/BOD5 was changed from 1.8 to 2.2.

(7) Once-through cooling water was excluded from the production based allocation and a maximum concentration of 5 mg/l of TOC was set.

(8) The daily maximum values were increased to reflect a 99 percent probability of occurrence. This was done to limit the number of technical violations of the permit.

(9) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The changes that were made to the proposed regulations for the petroleum refining category do not substantially affect the initial economic analysis. The changes detailed above reflects a reevaluation of the efficiency of various treatment systems and further subcategorization of the industry to more equitably distribute the economic burden. These revisions, however, do not effect the conclusions of the economic impact study.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the Petroleum Refining point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Petroleum Refining Point Source Category".

It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts

on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitablity for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Petroleum Refining Industry" (December 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the petroleum refining industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Solid waste control.* Solid waste control must be considered. The waterborne wastes from the petroleum refining industry may contain a considerable volume of metals in various forms as a part of the suspended solids pollutant. Best practicable control technology and best available control technology as they are known today require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In some cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(f) Publication of information on processes, procedures, or operating methods which results in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Petroleum Refining Point Source Category," is being published and will be available for purchase from the Government Printing Office, Washington, D.C. 20401 for a nominal fee.

(g) *Final rulemaking.* In consideration of the foregoing, 40 CFR Ch. I, Subchapter N is hereby amended by adding a new Part 419, Petroleum Refining Point Source Category, to read as set forth below. An order of the Federal District Court for the District of Columbia entered in "NRDC v. Train" (Civ. No. 1609–73) on November 26, 1973, required that the Administrator sign final effluent limitations guidelines for this industry category by March 15, 1974. That order was subsequently modified on March 15, 1974, and the date for signing extended until April 15, 1974. On the same date the District Court ordered that the effective date for effluent limitations guidelines established by its November 26 order remain applicable and not be affected by the extension in the publication date. The effective date for effluent limitations guidelines for this industry established by the Court's November 26 order is May 12, 1974. Accordingly, good cause is found for the final regulation promulgated as set forth below to be effective on May 12, 1974.

Dated: April 30, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Topping Subcategory

Sec.
419.10 Applicability; description of the topping subcategory.
419.11 Specialized definitions.
419.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
419.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
419.14 [Reserved]
419.15 Standards of performance for new sources.
419.16 Pretreatment standards for new sources.

Subpart B—Cracking Subcategory

419.20 Applicability; description of the cracking subcategory.
419.21 Specialized definitions.
419.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
419.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
419.24 [Reserved]
419.25 Standards of performance for new sources.
419.26 Pretreatment standards for new sources.

Subpart C—Petrochemical Subcategory

419.30 Applicability; description of the petrochemical subcategory.
419.31 Specialized definitions.
419.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
419.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
419.34 [Reserved]
419.35 Standards of performance for new sources.
419.36 Pretreatment standards for new sources.

Subpart D—Lube Subcategory

419.40 Applicability; description of the lube subcategory.
419.41 Specialized definitions.
419.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
419.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
419.44 [Reserved]
419.45 Standards of performance for new sources.
419.46 Pretreatment standards for new sources.

Subpart E—Integrated Subcategory

419.50 Applicability; description of the integrated subcategory.
419.51 Specialized definitions.
419.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
419.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
419.54 [Reserved]
419.55 Standards of performance for new sources.
419.56 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500.

Subpart A—Topping Subcategory

§ 419.10 Applicability; description of the topping subcategory.

The provisions of this subpart are applicable to discharges from any facility which produces petroleum products by the use of topping and catalytic reforming whether or not the facility includes any other process in addition to topping and catalytic reforming. The provisions of this subpart are not applicable to facilities which include thermal processes (coking, visbreaking, etc.) or catalytic cracking.

§ 419.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "runoff" shall mean the flow of storm water.

(c) The term "ballast" shall mean the flow of waters, from a ship, which is treated at the refinery.

(d) The term "feedstock" shall mean the crude oil and natural gas liquids fed to the topping units.

(e) The term "once-through cooling water" shall mean those waters discharged that are used for the purpose of heat removal and that do not come into direct contact with any raw material, intermediate or finished product.

(f) The following abbreviations shall mean: (1) Mgal means one thousand gallons; (2) Mbbl means one thousand barrels (one barrel is equivalent to 42 gallons).

§ 419.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	22.7	12.0
TSS	13.9	8.2
COD*	117	60.3
Oil and grease	6.9	3.7
Phenolic compounds	.168	.076
Ammonia as N	2.81	1.27
Sulfide	.149	.068
Total chromium	.345	.20
Hexavalent chromium	.0071	.0031
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	8.0	4.25
TSS	4.9	2.9
COD*	41.2	21.3
Oil and grease	2.5	1.3
Phenolic compounds	.060	.027
Ammonia as N	.99	.45
Sulfide	.053	.024
Total chromium	.122	.071
Hexavalent chromium	.0025	.0011
pH	Within the range 6.0 to 9.0.	

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor.

1,000 barrels feedstock per stream day	*Size factor*
0 to 49.9	1.02
50 to 99.9	1.21
100 to 149.9	1.44
150 or greater	1.57

(2) Process factor

Process configuration	*Process factor*
1.0 to 3.99	0.60
4.0 to 6.99	1.00
7.0 to 9.99	1.66
10.0 to 12.99	2.77
13.0 to 15.0 or greater	4.09

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The following allocations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph and attributable to runoff and ballast, which may be discharged after the application of best practicable control technology currently available, by a point source subject to the provisions of this subpart, in addition to the discharge allowed by paragraph (b) of this section:

(1) *Runoff.* The allocation allowed for storm runoff flow, as kg/cu m (lb/m gal), shall be based solely on that storm flow (process area runoff) which is treated in the main treatment system. All additional storm runoff (from tank fields and non-process areas), that has been segregated from the main waste stream for discharge, shall not exceed a concentration of 35 mg/l of TOC or 15 mg/l of oil and grease when discharged.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per cubic meter of flow)	
BOD5	0.048	0.026
TSS	.029	.017
COD*	.37	.19
Oil and grease	.015	.008
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 gal of flow)	
BOD5	0.40	0.21
TSS	.24	.14
COD*	3.1	1.6
Oil and grease	.126	.067
pH	Within the range 6.0 to 9.0.	

(2) *Ballast.* The allocation allowed for ballast water flow, as kg/cu m (lb/Mgal), shall be based on those ballast waters treated at the refinery.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per cubic meter of flow)	
BOD5	0.048	0.026
TSS	.029	.017
COD*	.47	.24
Oil and grease	.015	.008
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 gal of flow)	
BOD5	0.40	0.21
TSS	.24	.14
COD*	3.9	2.0
Oil and grease	.126	.067
pH	Within the range 6.0 to 9.0.	

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

§ 419.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollut-

* In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1000 mg/l (1000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgment of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

ants or pollutant properties, controlled by this paragraph, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	2.5	2.0
TSS	2.4	2.0
COD*	10.0	8.0
Oil and grease	.50	.40
Phenolic compounds	.012	.0090
Ammonia as N	.68	.51
Sulfide	.055	.035
Total chromium	.124	.105
Hexavalent chromium	.0026	.0017
pH	Within the range 6.0 to 9.0	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	0.92	0.75
TSS	.88	.75
COD*	3.5	2.8
Oil and grease	.18	.14
Phenolic compounds	.0043	.0031
Ammonia as N	.24	.18
Sulfide	.019	.015
Total chromium	.044	.037
Hexavalent chromium	.00097	.00062
pH	Within the range 6.0 to 9.0.	

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 barrels of feedstock per steam day	*Size factor*
0 to 49.9	1.02
50 to 99.9	1.21
100 to 149.9	1.44
150 or greater	1.57

(2) Process factor

1.0 to 3.99	0.60
4.0 to 6.99	1.0
7.0 to 9.99	1.66
10.0 to 12.99	2.77
13.0 to 15.0 or greater	4.09

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The following allocations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to runoff and ballast, which may be discharged after the application of best available technology economically achievable by a point source subject to the provisions of this subpart. These allocations are in addition to the discharge allowed by paragraph (b) of this section:

(1) *Runoff.* The allocation allowed for storm runoff flow, as kg/cu m (lb/Mgal), shall be based solely on that storm flow (process area runoff) which is treated in the main treatment system. All additional storm runoff (from tankfields and non-process areas), that has been segregated from the main waste stream for discharge, shall not exceed a concentration of 35 mg/l of TOC or 15 mg/l of oil and grease when discharged.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per cubic meter of flow)	
BOD5	0.0105	0.0085
TSS	.010	.0085
COD*	.028	.022
Oil and grease	.0020	.0016
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 gal of flow)	
BOD5	0.088	0.071
TSS	.084	.071
COD*	.24	.19
Oil and grease	.018	.014
pH	Within the range 6.0 to 9.0.	

(2) *Ballast.* The allocation allowed for ballast water flow, as kg/cu m (lb/Mgal), shall be based on those ballast waters treated at the refinery.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per cubic meter of flow)	
BOD5	0.0105	0.0085
TSS	.010	.0085
COD[1]	.038	.030
Oil and grease	.0020	.0017
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 gal of flow)	
BOD5	0.088	0.071
TSS	.084	.071
COD[1]	.32	.26
Oil and grease	.018	.014
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgement of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/1.

§ 419.14 [Reserved]

§ 419.15 **Standards of performance for new sources.**

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	11.8	6.3
TSS	7.3	4.0
COD*	61	32
Oil and grease	3.6	1.9
Phenolic compounds	.088	.043
Ammonia as N	2.8	1.3
Sulfide	.078	.035
Total chromium	.18	.105
Hexavalent chromium	.0037	.0017
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	4.2	2.2
TSS	2.6	1.5
COD*	21.7	11.2
Oil and grease	1.3	.70
Phenolic compounds	.031	.016
Ammonia as N	1.0	.45
Sulfide	.027	.012
Total chromium	.064	.037
Hexavalent chromium	.0013	.00062
pH	Within the range 6.0 to 9.0.	

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 bbl of feedstock per stream day	*Size factor*
0 to 49.9	1.02
50 to 99.9	1.21
100 to 149.9	1.44
150 or greater	1.57

(2) Process factor

Process configuration	*Process factor*
1.0 to 3.99	0.60
4.0 to 6.99	1.00
7.0 to 9.99	1.66
10.0 to 12.99	2.77
13.0 to 15.0 or greater	4.09

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The following allocations constitute the quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to runoff and ballast, which may be discharged by a new source subject to the provisions of this subpart. These allocations are in addition to the discharge allowed by paragraph (b) of this section:

(1) *Runoff.* The allocation allowed for storm runoff flow, as kg/cu m (lb/Mgal), shall be based solely on that storm flow (process area runoff) which is treated in the main treatment system. All additional storm runoff (from tankfields and non-process areas), that has been segregated from the main waste stream for discharge, shall not exceed a concentration of 35mg/l of TOC or 15 mg/l of oil and grease when discharged.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per cubic meter of flow)	
BOD5	0.048	0.026
TSS	.029	.017
COD*	.37	.19
Oil and grease	.015	.0080
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 gal of flow)	
BOD5	0.40	0.21
TSS	.24	.14
COD*	3.1	1.6
Oil and grease	.126	.067
pH	Within the range 6.0 to 9.0.	

(2) *Ballast.* The allocation allowed for ballast water flow, as kg/cu m lb/Mgal), shall be based on those ballast waters treated at the refinery.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per cubic meter of flow)	
BOD5	0.048	0.026
TSS	.029	.017
COD [1]	.47	.24
Oil and grease	.015	.008
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 gal of flow)	
BOD5	0.40	0.21
TSS	.24	.14
COD [1]	3.9	2.0
Oil and grease	.126	.067
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgement of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

§ 419.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the topping subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this chapter, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 419.15; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced in stringency for that pollutant."

Subpart B—Cracking Subcategory

§ 419.20 Applicability; description of the cracking subcategory.

The provisions of this subpart are applicable to all discharges from any facility which produces petroleum products by the use of topping and cracking, whether or not the facility includes any process in addition to topping and cracking. The provisions of this subpart are not applicable however, to facilities which include the processes specified in Subparts C, D, or E of this part.

§ 419.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "runoff" shall mean the flow of storm water.

(c) The term "ballast" shall mean the flow of waters, from a ship, which is to be treated at the refinery.

(d) The term "feedstock" shall mean the crude oil and natural gas liquids fed to the topping units.

(e) The term "once-through cooling water" shall mean those waters discharged that are used for the purpose of heat removal and that do not come into direct contact with any raw material, intermediate or finished product.

(f) The following abbreviations shall mean: (1) Mgal means one thousand gallons; (2) Mbbl means one thousand barrels (one barrel is equivalent to 42 gallons).

§ 419.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	28.2	15.6
TSS	17.1	10.2
COD [1]	210	109
Oil and grease	8.4	4.5
Phenolic compounds	.21	.10
Ammonia as N	18.8	8.5
Sulfide	.18	.082
Total chromium	.43	.25
Hexavalent chromium	.0087	.0040
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	9.9	5.5
TSS	6.1	3.6
COD [1]	74	38.4
Oil and grease	3.0	1.6
Phenolic compounds	.074	.036
Ammonia as N	6.6	3.0
Sulfide	.065	.029
Total chromium	.15	.088
Hexavalent chromium	.0031	.0014
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgement of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 barrels of feedstock per stream day	Size factor
0 to 34.9	0.89
35 to 74.9	1.00
75 to 109.9	1.14
110 to 149.9	1.31
150 or greater	1.41

(2) Process factor

Process configuration	Process factor
1.5 to 3.49	0.58
3.50 to 5.49	0.81
5.50 to 7.49	1.13
7.50 to 9.49	1.60
9.50 to 10.50 or greater	1.87

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The provisions of § 419.12(c) (1) and (2) apply to discharges of process waste water pollutants attributable to storm water runoff and ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged a total organic carbon concentration not to exceed 5 mg/l.

§ 419.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	3.4	2.7
TSS	3.2	2.7
COD [1]	19.2	15.4
Oil and grease	.68	.54
Phenolic compounds	.016	.011
Ammonia as N	4.6	3.5
Sulfide	.075	.048
Total chromium	.16	.14
Hexavalent chromium	.0035	.0022
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	1.2	0.99
TSS	1.2	.99
COD [1]	6.8	5.4
Oil and grease	.24	.19
Phenolic compounds	.0055	.0039
Ammonia as N	1.6	1.2
Sulfide	.026	.017
Total chromium	.058	.049
Hexavalent chromium	.0013	.0008
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgment of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 barrels of feedstock per stream day	Size factor
0 to 34.9	0.89
35 to 74.9	1.00
70 to 109.9	1.14
110 to 149.9	1.31
150 or greater	1.41

(2) Process factor

Process configuration	Process factor
1.5 to 3.49	0.58
2.50 to 5.49	0.81
5.50 to 7.49	1.13
7.50 to 9.49	1.60
9.50 to 10.50 or greater	1.87

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The provisions of § 419.13(c) (1) and (2) apply to discharges of process waste water pollutants attributable to storm water runoff and ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

§ 419.24 [Reserved]

§ 419.25 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	16.3	8.7
TSS	9.9	5.8
COD [1]	118	61
Oil and grease	4.8	2.6
Phenolic compounds	.119	.058
Ammonia as N	18.8	8.6
Sulfide	.105	.048
Total chromium	.24	.14
Hexavalent chromium	.0050	.0022
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	5.8	3.1
TSS	3.5	2.0
COD [1]	41.5	21
Oil and grease	1.7	.93
Phenolic compounds	.042	.020
Ammonia as N	6.6	3.0
Sulfide	.037	.017
Total chromium	.084	.049
Hexavalent chromium	.0018	.00081
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgement of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 barrels of feedstock per stream day	*Size factor*
0 to 34.9	0.89
35 to 74.9	1.00
75 to 109.9	1.14
110 to 149.9	1.31
150 or greater	1.41

(2) Process factor

Process configuration	*Process factor*
1.5 to 3.49	0.58
3.50 to 5.49	.81
5.50 to 7.49	1.13
7.50 to 9.49	1.60
9.50 to 10.50 or greater	1.87

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The provisions of § 419.15(c) (1) and (2) apply to discharges of process waste water pollutants attributable to storm water runoff and ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

§ 419.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the cracking subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this chapter, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 419.25: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced in stringency for that pollutant."

Subpart C—Petrochemical Subcategory

§ 419.30 Applicability; description of the petrochemical subcategory.

The provisions of this subpart are applicable to all discharges from any facility which produces petroleum products by the use of topping, cracking and petrochemical operations, whether or not the facility includes any process in addition to topping, cracking and petrochemical operations. The provisions of this subpart shall not be applicable however, to facilities which include the processes specified in Subparts D or E of this part.

§ 419.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "runoff" shall mean the flow of storm water.

(c) The term "ballast" shall mean the flow of waters, from a ship, which is to be treated at the refinery.

(d) The term "feedstock" shall mean the crude oil and natural gas liquids fed to the topping units.

(e) The term "once-through cooling water" shall mean those waters discharged that are used for the purpose of heat removal and that do not come into direct contact with any raw material, intermediate or finished product.

(f) The term "petrochemical operations" shall mean the production of second generation petrochemicals (i.e. alcohols, ketones, cumene, styrene, etc.) or first generation petrochemicals and isomerization products (i.e. BTX, olefins, cyclohexane, etc.) when 15 percent or more of refinery production is as first generation petrochemicals and isomerization products.

(g) The following abbreviations shall mean: (1) Mgal means one thousand gallons; (2) Mbbl means one thousand barrels (one barrel is equivalent to 42 gallons).

§ 419.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 m^3 of feedstock)	
BOD5	34.6	18.4
TSS	20.6	12.0
COD[1]	210	109
Oil and grease	11.1	5.9
Phenolic compounds	.25	.120
Ammonia as N	23.4	10.6
Sulfide	.22	.099
Total chromium	.52	.30
Hexavalent chromium	.0115	.0051
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	12.1	6.5
TSS	7.3	4.25
COD[1]	74	38.4
Oil and grease	3.9	2.1
Phenolic compounds	.088	.0425
Ammonia as N	8.25	3.8
Sulfide	.078	.035
Total chromium	.183	.107
Hexavalent chromium	.0040	.0018
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgement of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 barrels of feedstock per steam day	*Size factor*
0 to 49.9	0.73
50 to 99.9	.87
100 to 149.9	1.04
150 or greater	1.13

(2) Process factor

Process configuration	*Process factor*
3.25 to 4.74	0.67
4.75 to 6.74	.91
6.75 to 8.74	1.27
8.75 to 10.25 or greater	1.64

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The provisions of § 419.12(c) (1) and (2) apply to discharges of process waste water pollutants attributable to storm water runoff and ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/1.

§ 419.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	4.6	3.7
TSS	4.4	3.7
COD [1]	22	17
Oil and grease	.90	.72
Phenolic compounds	.022	.015
Ammonia as N	5.6	4.2
Sulfide	.099	.063
Total chromium	.22	.19
Hexavalent chromium	.0048	.0031
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	1.7	1.3
TSS	1.6	1.3
COD [1]	7.6	6.1
Oil and grease	.32	.26
Phenolic compounds	.0077	.0054
Ammonia as N	2.0	1.5
Sulfide	.035	.022
Total chromium	.080	.068
Hexavalent chromium	.0017	.0011
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgement of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(b) The limits set forth in paragraph (a) o fthis section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 bbl of feedstock per stream day	*Size factor*
0 to 49.9	0.73
50 to 99.9	.87
100 to 149.9	1.13
150 or greater	1.13

(2) Process factor

Process configuration	*Process factor*
3.25 to 4.74	0.67
4.75 to 6.74	.91
6.75 to 8.74	1.27
8.75 to 10.25 or greater	1.64

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The provisions of § 419.13(c) (1) and (2) apply to discharges of process waste water pollutants attributable to storm water runoff and ballast water by a point source subject to the provision of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/1.

§ 419.34 [Reserved]

§ 419.35 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	21.8	11.6
TSS	13.1	7.7
COD [1]	133	69
Oil and grease	6.6	3.5
Phenolic compounds	.158	.077
Ammonia as N	23.4	10.7
Sulfide	.140	.063
Total chromium	.32	.19
Hexavalent chromium	.0062	.0031
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	7.7	4.1
TSS	4.6	2.7
COD [1]	47	24
Oil and grease	2.4	1.3
Phenolic compounds	.056	.027
Ammonia as N	8.3	3.8
Sulfide	.050	.022
Total chromium	.116	.068
Hexavalent chromium	.0024	.0011
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgement of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 barrels of feedstock per stream day	*Size factor*
0 to 49.9	0.73
50 to 99.9	.87
100 to 149.9	1.04
150 or greater	1.13

(2) Process factor

Process configuration	*Process factor*
3.25 to 4.74	0.67
4.75 to 6.74	.91
6.75 to 8.74	1.27
8.75 to 10.25 or greater	1.64

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The provisions of § 419.15(c) (1) and (2) apply to discharges of process waste water pollutants attributable to storm water runoff and ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/1.

§ 419.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the petrochemical subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this chapter, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 419.35: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced in stringency for that pollutant."

Subpart D—Lube Subcategory

§ 419.40 Applicability; description of the lube subcategory.

The provisions of this subpart are applicable to all discharges from any facility which produces petroleum products by the use of topping, cracking and lube oil manufacturing processes, whether or not the facility includes any process in addition to topping, cracking and lube oil manufacturing processes. The provisions

of this subpart are not applicable however, to facilities which include the processes specified in Subparts C and E of this part.

§ 419.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in part 401 of this Chapter shall apply to this subpart.

(b) The term "runoff" shall mean the flow of storm water.

(c) The term "ballast" shall mean the flow of waters, from a ship, which is to be treated at the refinery.

(d) The term "feedstock" shall mean the crude oil and natural gas liquids fed to the topping units.

(e) The term "once-through cooling water" shall mean those waters discharged that are used for the purpose of heat removal and that do not come into direct contact with any raw material, intermediate or finished product.

(f) The following abbreviations shall mean: (1) Mgal means one thousand gallons; (2) Mbbl means one thousand barrels (one barrel is equivalent to 42 gallons).

§ 419.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	50.6	25.8
TSS	31.3	18.4
COD[1]	360	187
Oil and grease	10.2	8.5
Phenolic compounds	.38	.184
Ammonia as N	23.4	10.6
Sulfide	.33	.150
Total chromium	.77	.45
Hexavalent chromium	.017	.0076
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	17.9	9.1
TSS	11.0	6.5
COD[1]	127	66
Oil and grease	5.7	3.0
Phenolic compounds	.133	.065
Ammonia as N	8.3	3.8
Sulfide	.118	.053
Total chromium	.273	.160
Hexavalent chromium	.0059	.0027
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgement of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 barrels of feedstock per steam day	*Size factor*
30 to 69.9	0.71
70 to 109.9	.81
110 to 149.9	.93
150 to 199.9	1.09
200 or greater	1.19

(2) Process factor

Process configuration	*Progress factor*
6.0 or less to 8.0	0.88
8.0 to 9.99	1.23
10.0 to 11.99	1.74
12.0 to 14.0 or greater	2.44

(3) Example of the application of the above factors.

Calculation of the process configuration

Process category	Processes included	Weighting factor
Crude	Atm. crude distillation. Vacuum crude distillation. Desalting.	1
Cracking and coking.	Fluid cat. cracking. Vis-breaking. Thermal cracking. Moving bed cat. cracking. Hydrocracking. Fluid coking. Delayed coking.	6
Lube	Further defined in the development document.	13
Asphalt	Asphalt production. Asphalt oxidation. Asphalt emulsifying.	12

EXAMPLE.—*Lube refinery 125 1,000 bbl per stream day throughput*

Process	Capacity (1,000 bbl per stream day)	Capacity relative to throughput		Weighting factor		Processing configuration
Crude:						
Atm	125	1				
Vacuum	60	.48				
Desalting	125	1				
Total		2.48	×	1	=	2.48
Cracking—FCC	41	.328				
Hydrocracking	20	.160				
Total		.488	×	6	=	2.93
Lubes	5.3	.042				
	4.0	.032				
	4.9	.039				
Total		.113	×	13	=	1.47
Asphalt	4.0	0.032	×	12	=	.38
Refinery process configuration					=	7.26

NOTES

See table § 419.42(b)(2) for process factor. Process factor=0.88.
See table § 419.42(b)(1) for size factor for 125 1,000 bbl per stream day lube refinery. Size factor=0.93.
To calculate the limits for each parameter, multiply the limit § 419.42(a) by both the process factor and size factor.
BOD5 limit (maximum for any 1 day)=11.8×0.88×0.93=9.7 lb. per 1,000 bbl of feedstock.

(c) The provisions of § 419.12(c) (1) and (2) apply to discharges of process waste water pollutants attributable to storm water runoff and ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

§ 419.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	7.8	6.3
TSS	7.4	6.3
COD[1]	40	32
Oil and grease	1.4	1.1
Phenolic compounds.	.034	.024
Ammonia as N	5.6	4.2
Sulfide	.16	.10
Total chromium	.36	.31
Hexavalent chromium.	.0081	.0052
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	2.7	2.2
TSS	2.6	2.2
COD[1]	13.8	11.0
Oil and grease	.50	.40
Phenolic compounds.	.012	.0087
Ammonia as N	2.0	1.5
Sulfide	.055	.035
Total chromium	.13	.11
Hexavalent chromium.	.0029	.0018
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgement of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 barrels of feedstock per stream day	*Size factor*
30 to 69.9	0.71
70 to 109.9	.81
110 to 149.9	.93
150 to 199.9	1.09
200 or greater	1.19

(2) Process factor

Process configuration	*Process factor*
6.0 or less to 7.99	0.88
8.0 to 9.99	1.23
10.0 to 11.99	1.74
12.0 to 14.0 or greater	2.44

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The provisions of § 419.13(c) (1) and (2) apply to discharges of process waste water pollutants attributable to storm water runoff and ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

§ 419.44 [Reserved]

§ 419.45 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	34.6	18.4
TSS	20.6	12.1
COD[1]	245	126
Oil and grease	10.5	5.6
Phenolic compounds.	.25	.12
Ammonia as N	23.4	10.7
Sulfide	.220	.10
Total chromium	.52	.31
Hexavalent chromium.	.0115	.0052
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	12.2	6.5
TSS	7.3	4.3
COD[1]	87	45
Oil and grease	3.8	2.0
Phenolic compounds.	.088	.043
Ammonia as N	8.3	3.8
Sulfide	.078	.035
Total chromium	.180	.105
Hexavalent chromium.	.0056	.0018
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgement of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 barrels of feedstock per steam day	*Size factor*
30 to 69.9	0.71
70 to 109.9	.81
110 to 149.9	.93
150 to 199.9	1.09
200 or greater	1.19

(2) Process factor

Process configuration	*Process factor*
6.0 or less to 7.99	0.88
8.0 to 9.99	1.23
10.0 to 11.99	1.74
12.0 or greater	2.44

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The provisions of § 419.15(c) (1) and (2) apply to discharges of process waste water pollutants attributable to storm water runoff and ballast water by a point source subject to the provision of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

§ 419.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the lube subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this chapter, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 419.45: *Provided,* That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced in stringency for that pollutant."

Subpart E—Integrated Subcategory

§ 419.50 Applicability; description of the integrated subcategory.

The provisions of this subpart are applicable to all discharges resulting from any facility which produces petroleum products by the use of topping, cracking, lube oil manufacturing processes, and petrochemical operations, whether or not

the facility includes any process in addition to topping, cracking, lube oil manufacturing processes and petrochemical operations.

§ 419.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "runoff" shall mean the flow of storm water.

(c) The term "ballast" shall mean the flow of waters, from a ship, which is to be treated at the refinery.

(d) The term "feedstock" shall mean the crude oil and natural gas liquids fed to the topping units.

(e) The term "once-through cooling water" shall mean those waters discharged that are used for the purpose of heat removal and that do not come into direct contact with any raw material, intermediate or finished product.

(f) The term "petrochemical operations" shall mean the production of second generation petrochemicals (i.e., alcohols, ketones, cumene, styrene, etc.) or first generation petrochemicals and isomerization products (i.e., BTX, olefins, cyclohexane, etc.) when 15% or more of refinery production is as first generation petrochemicals and isomerization products.

(g) The following abbreviations shall mean: (1) Mgal means one thousand gallons; (2) Mbbl means one thousand barrels (one barrel is equivalent to 42 gallons).

§ 419.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	54.4	28.9
TSS	32.8	19.2
COD[1]	388	198
Oil and grease	17.1	9.1
Phenolic compounds	.40	.192
Ammonia as N	23.4	10.6
Sulfide	.35	.158
Total chromium	.82	.48
Hexavalent chromium	.017	.0079
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	19.2	10.2
TSS	11.6	6.8
COD[1]	136	70
Oil and grease	6.0	3.2
Phenolic compounds	.14	.068
Ammonia as N	8.3	3.8
Sulfide	.124	.056
Total chromium	.29	.17
Hexavalent chromium	.0062	.0028
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgement of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and the maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 barrels of feedstock per stream day	*Size factor*
70 to 144.9	0.69
145 to 219.9	.89
220 or greater	1.02

(2) Process factor

Process configuration	*Process factor*
6.0 or less to 7.49	0.78
7.5 to 8.99	1.00
9.0 to 10.5 or greater	1.30

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The provisions of § 419.12(c) (1) and (2) apply to discharges of process waste water pollutants attributable to storm water runoff and ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic concentration not to exceed 5 mg/l.

§ 419.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	8.8	7.1
TSS	8.4	7.1
COD[1]	47	38
Oil and grease	1.7	1.4
Phenolic compounds	.041	.029
Ammonia as N	5.6	4.2
Sulfide	.19	.12
Total chromium	.44	.37
Hexavalent chromium	.0092	.0059
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	3.2	2.6
TSS	3.0	2.6
COD[1]	16.8	13.4
Oil and grease	.60	.48
Phenolic compounds	.015	.010
Ammonia as N	2.0	1.5
Sulfide	.066	.042
Total chromium	.15	.13
Hexavalent chromium	.0033	.0021
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgement of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 barrels of feedstock per stream day	*Size factor*
70 to 144.9	0.69
145 to 219.9	.89
220 or greater	1.02

(2) Process factor

Process configuration	*Process factor*
6.0 or less to 7.49	0.78
7.5 to 8.99	1.00
9.0 to 10.5 or greater	1.30

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The provisions of § 419.13(c) (1) and (2) apply to discharges of process waste water pollutants atttributable to storm water runoff and ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

§ 419.54 [Reserved]

§ 419.55 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 m³ of feedstock)	
BOD5	41.6	22.1
TSS	24.7	14.5
COD [1]	295	152
Oil and grease	12.6	6.7
Phenolic compounds	.30	.14
Ammonia as N	23.4	10.7
Sulfide	.26	.12
Total chromium	.64	.37
Hexavalent chromium	.013	.0059
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 bbl of feedstock)	
BOD5	14.7	7.8
TSS	8.7	5.1
COD [1]	104	54
Oil and grease	4.5	2.4
Phenolic compounds	.105	.051
Ammonia as N	8.3	3.8
Sulfide	.093	.042
Total chromium	.220	.13
Hexavalent chromium	.0047	.0021
pH	Within the range 6.0 to 9.0.	

[1] In any case in which the applicant can demonstrate that the chloride ion concentration in the effluent exceeds 1,000 mg/l (1,000 ppm), the Regional Administrator may substitute TOC as a parameter in lieu of COD. Effluent limitations for TOC shall be based on effluent data from the plant correlating TOC to BOD5.

If in the judgment of the Regional Administrator, adequate correlation data are not available, the effluent limitations for TOC shall be established at a ratio of 2.2 to 1 to the applicable effluent limitations on BOD5.

(b) The limits set forth in paragraph (a) of this section are to be multiplied by the following factors to calculate the maximum for any one day and maximum average of daily values for thirty consecutive days.

(1) Size factor

1,000 barrels of feedstock per stream day	*Size factor*
70 to 144.9	0.69
145 to 219.9	.89
220 or greater	1.02

(2) Process factor

Process configuration	*Process factor*
6.0 or less to 7.49	0.78
7.5 to 8.99	1.00
9.0 to 10.5 or greater	1.30

(3) See the comprehensive example Subpart D § 419.42(b)(3).

(c) The provision of § 419.15(c) (1) and (2) apply to discharges of process waste water pollutants attributable to storm water runoff and ballast water by a point source subject to the provisions of this subpart.

(d) The quantity and quality of pollutants or pollutant properties controlled by this paragraph, attributable to once-through cooling water, are excluded from the discharge allowed by paragraph (b) of this section. Once-through cooling water may be discharged with a total organic carbon concentration not to exceed 5 mg/l.

§ 419.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the integrated subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this chapter, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 419.55: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced in stringency for that pollutant."

[FR Doc.74-10448 Filed 5-8-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 419]

PETROLEUM REFINING POINT SOURCE CATEGORY

Proposed Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 419—Petroleum Refining Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the topping subcategory, cracking subcategory, petrochemical subcategory, lube subcategory, and integrated subcategory of the petroleum refining point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 419) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants.) Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

> In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304 (b) of the Act; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; *And provided further*, That "when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made staging the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 419.15, 419.25, 419.35, 419.45, and 419.55 of the proposed regulation for point sources within the topping subcategory, cracking subcategory, petrochemical subcategory, lube subcategory, and integrated subcategory (December 14, 1973; 38 FR 34542), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 419.16, 419.26, 419.36, 419.46 and 419.56 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Petroleum Refining Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Petroleum Refining Industry," (September 1973) was made available at the time of proposal. Copies of the Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribed national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of petroleum products, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of petroleum products. The two reports exceed, in the aggregate, 100 pages in length and

contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the petroleum refining category. (38 FR 34542; December 14, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 419) which currently is being published as Part II in this issue of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the topping subcategory, cracking subcategory, petrochemical subcategory, lube subcategory and integrated subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document, the process wastes from the topping subcategory, cracking subcategory, petrochemical subcategory, lube subcategory and integrated subcategory have process wastes that are high in COD, TOC, oil and grease, ammonia, sulfide, phenolic compounds, total chromium and hexavalent chromium. These parameters are treatable to various levels using modes of treatment (biological treatment plus mixed media filters, sour water strippers, etc.) which are more extensive than those comparable to a publicly owned treatment works. These parameters are therefore considered incompatible.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 419 be amended to add §§ 419.14, 419.24, 419.34, 419.44, and 419.54 as set forth below. All comments received on or before June 10, 1974, will be considered.

Dated: April 30, 1974.

JOHN QUARLES,
Acting Administrator.

Part 419 is proposed to be amended as follows:

Subpart A—Topping Subcategory

Subpart A is amended by adding § 419.14 as follows:

§ 419.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 419.12 above shall apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

Subpart B—Cracking Subcategory

Subpart B is amended by adding § 419.24 as follows:

§ 419.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 419.22 above shall apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

Subpart C—Petrochemical Subcategory

Subpart C is amended by adding § 419.34 as follows:

§ 419.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 419.32 above shall apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

Subpart D—Lube Subcategory

Subpart D is amended by adding § 419.44 as follows:

§ 419.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 419.42 above shall apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

Subpart E—Integrated Subcategory

Subpart E is amended by adding § 419.54 as follows:

§ 419.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible, pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 419.52 above shall apply, and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

[FR Doc.74-10447 Filed 5-8-74;8:45 am]

federal register

THURSDAY, MAY 9, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 91

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

BUILDERS PAPER AND ROOFING FELT SEGMENT OF THE BUILDERS PAPER AND BOARD MILLS POINT SOURCE CATEGORY

Effluent Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 431—BUILDERS PAPER AND ROOFING FELT SEGMENT OF THE BUILDERS PAPER AND BOARD MILLS POINT SOURCE CATEGORY

Subpart A—Builders Paper and Roofing Felt

On January 14, 1974 notice was published in the FEDERAL REGISTER (39 FR 1818) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the builders paper and roofing felt subcategory of the builders paper and board mills category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the builders paper and board mills category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 431. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the builders paper and roofing felt subcategory. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Builders Paper and Roofing Segment of the Builders Paper and Board Mills Point Source Category" (January 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Pulp, Paper, and Paperboard Industry" (Selected Segments) (September 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulations: The Brown Company, State of Colorado (Department of Public Health), National Council of the Paper Industry for Air and Stream Improvement, Inc., United States Department of the Interior, United States Department of Commerce.

Each of the comments was reviewed and analyzed carefully. The following is a summary of the significant comments and the Agency's response to those comments.

(1) One commenter suggested that a settleable solids limitation should be included in the guidelines. It was suggested that while mills with extensive water reuse may be able to meet the guidelines without external treatment, a settleable solids limitation is needed in order that the mills do not discharge their unsettled "bleed-off" waste water containing a heavy load of settleable solids without some form of primary treatment.

The Agency agrees with this comment, as mills with extensive water reuse and without any external treatment may be able to meet the proposed guidelines while still causing a sludge bed problem. To alleviate the potential for sludge bed buildup in receiving waters, a settleable solids limitation equivalent to primary treatment has been incorporated into the final regulations. The costs of the primary treatment necessary for these mills was initially incorporated in the economic impact analysis and thus, the addition of a settleable solids limitation does not affect the conclusions of the economic impact analysis.

(2) The comment was made that the potential for the elimination of wastewater discharge should be stressed as an alternative to external treatment. Also, suggestions for additions to the development document were submitted.

For this industry, a possible alternative to external treatment is extensive water reuse and there is a potential for the elimination of discharge. However, the technologies for the elimination of discharges are still in the development stage and such technologies cannot yet be considered to be available.

The suggestions for stressing extensive water reuse as a possible alternative to external treatment were incorporated into the development document.

(3) The concept of temperature variance was endorsed by several commenters. However, it was suggested that the variance should not be a one-step allowance at 35° F but should be progressive below 60° F to reflect the temperature effects on biological activity in treatment systems. Several methods of implementation were suggested.

The Agency believes that mills operating in Northern climates should design their treatment facilities to account for the effects of extremely cold temperatures upon effluent quality. In addition, other factors, such as raw waste load, appear to affect the final effluent quality as much as extremely cold temperatures. Therefore, the temperature variance was removed from the regulations, and the regulations were revised based upon the exemplary mills' maximum pollutant discharge period with emphasis placed upon exemplary mills operating in Northern climates. Thus, the revised regulations reflect the effects of temperature and other factors upon the final effluent quality.

(4) One commenter stated that it should be made clear in the development document that the technology of mixed-media filtration is in the development stages and not applicable to this category of discharges.

The Agency believes that the technology of mixed-media filtration has been successfully demonstrated in other industry categories and in the treatment of municipal wastes. The technology is judged to be transferrable to the builders paper and board industry category as the waste characteristics to which mixed-media filtration has been successfully applied are similar to those in builders paper and roofing felt mill effluents.

(5) One comment was made that the construction schedules for treatment systems as presented in the proposed development document do not consider many factors, such as review and negotiation, increasing delay in equipment delivery and the effects of climate upon construction.

The original intent of the inclusion of construction schedules was not to establish specific rules for construction but to present a basic example of what can be done and the amount of time that might be involved. The several factors mentioned were considered but it is recognized that factors such as increasingly slow equipment deliveries are difficult to predict. However, it is emphasized that the construction schedules are only guides and are considered valid for that purpose.

(6) One commenter anticipated that the mills cited as exemplary might be out of compliance with the proposed regulations a substantial percentage of the time.

This comment relates to the statistical approach which was used to determine the proposed guidelines. However, the guidelines were revised to reflect the removal of the temperature variance and the effect of other factors such as raw

waste upon final effluent quality. The revised guidelines were based on the maximum operating period of the exemplary mills which should insure that exemplary mills will meet the guidelines.

(7) The comment was made that the data base was insufficient to support the BPCTCA guidelines. Suggestions were submitted that provided a basis for a more accurate evaluation of available data.

The data base was derived from an extensive search for information and data as discussed in the Development Document. The Agency believes that the resulting data base is sufficient to support the guidelines. Data is nonexistent for many mills; however, the in-plant manufacturing processes are very similar between all mills in the builders paper and roofing felt segment, and the Agency feels that the available data adequately represents the industry.

(8) The comment was made that the selection of exemplary mills should be based upon external controls rather than internal controls.

It is the opinion of the Agency that the Act does not preclude considering some in-plant control changes as part of BPCTCA. Section 304(b)(1)(B) includes consideration of "the process employed" and "process changes" as part of the determination of BPCTCA. Where an in-plant change can be implemented by 1977 and meets the other requirements of section 304(b)(1), there is no reason to differentiate such control measure from any other control measure or practice imposed as part of BPCTCA. The in-plant changes which have been identified as available in 1977 are practices which are in common use in the industry.

(9) One commenter indicated that the economic impact to certain portions of the industry will be higher than indicated in the economic analysis. Specifically, the commenter objected to the conclusion that the guidelines would have no impact on the 25 percent of the builders paper and roofing felt industry which, while not now using municipal wastewater disposal systems, have access to them. The commenter stated that the mills will be required to pay user fees for access into the municipal systems, thereby having an economic impact.

The intent of indicating no economic impact upon those mills with access to municipal treatment was that the mills would not be impacted to the point of closure. The additional costs for these mills were initially incorporated into the economic impact analysis with regard to potential price effects.

(b) *Revision of the proposed regulation prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulations by the EPA, the following changes have been made in the regulation.

(1) A limitation on settleable solids equivalent to primary treatment was added to the regulations to prevent mills with extensive water reuse and no external treatment from discharging their unsettled bleed-off waste water without any treatment.

(2) The temperature variance was removed and the guidelines were revised to reflect the effects of temperature and other factors upon final effluent quality.

(3) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicablity of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The changes that were made to the proposed regulations do not substantially affect the costs associated with treatment, and therefore do not alter the conclusions of the initial economic analysis. However, the economic impact has been revised to reflect the additional information received. As a result, a total of 3–4 small mills may be expected to close in the event of a recessionary period rather than the initial estimate which included an additional six mills, previously assessed to have a moderate probability of closure. The potential price increase has been presented as a range due to the cyclic nature of demand, and the resulting varying ability of the industry to pass on the cost of pollution control.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the builders paper and roofing felt segment of the builders paper and board mills manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Builders Paper and Roofing Felt Manufacturing Segment of the Builders Paper and Board Mills Point Source Category" (May 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Pulp, Paper and Paperboard Industry" (September 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the pulp, paper, and paperboard industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Solid waste control.* Solid waste control must be considered. The waterborne wastes from the builders paper and roofing felt industry may contain a considerable volume of metals in various forms as a part of the suspended solids pollutant. Best practicable control technology and best available control technology as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In some cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(f) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Builders Paper and Roofing Felt Manufacturing Segment of the Builders Paper and Board Mills Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

(g) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding

a new Part 431, Builders Paper and Roofing Felt Segment of the Builders Paper and Board Mills Point Source Category, to read as set forth below. An order of the Federal District Court for the District of Columbia entered in "NRDC v. Train" (Civ. No. 1609–73) on November 27, 1973, required that the Administrator sign final effluent limitations guidelines for this industry category by March 29, 1974. That order was subsequently modified on March 14, 1974, and the date for signing extended until May 13, 1974. Thereafter, on March 15, 1974, the District Court ordered that the effective date for effluent limitations guidelines established by its November 27 order remain applicable and not be affected by the extension in the publication date. The effective date for effluent limitations guidelines for this industry established by the Court's November 27 order is May 13, 1974. Accordingly, good cause is found for the final regulation promulgated as set forth below to be effective on May 9, 1974.

Dated: May 2, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Builders Paper and Roofing Felt Subcategory

Sec.

431.10 Applicability; description of the builders paper and roofing felt subcategory.
431.11 Specialized definitions.
431.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
431.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
431.14 [Reserved]
431.15 Standards of performance for new sources.
431.16 Pretreatment standards for new sources.

Subpart A—Builders Paper and Roofing Felt Subcategory

AUTHORITY: Secs. 301, 304(b), 304(c), 306(b), 306(c) and 307(c) Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314(b), 1314(c), 1316(b), 1316(c), 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500.

§ 431.10 Applicability; description of the builders paper and roofing felt subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of saturating paper, flooring paper, deadening paper, and all other papers known as building papers or roofing felts.

§ 431.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "settleable solids" shall mean the amount of settleable matter present in a sample as determined by the test as described in "Standard Methods for the Examination of Water and Waste Water," 13th Edition.

§ 431.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	5.0	3.0
TSS	5.0	3.0
Settleable solids	Not to exceed 0.2 ml/l.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	10.0	6.0
TSS	10.0	6.0
Settleable solids	(1)	(1)
pH	Within the range 6.0 to 9.0.	

[1] No comparable English units.

§ 431.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	1.75	1.0
TSS	1.75	1.0
Settleable solids	Not to exceed 0.2 ml/l.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	3.5	2.0
TSS	3.5	2.0
Settleable solids	(1)	(1)
pH	Within the range 6.0 to 9.0.	

[1] No comparable English units.

§ 431.14 [Reserved]

§ 431.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	1.75	1.0
TSS	1.75	1.0
Settleable solids	Not to exceed 0.2 ml/l.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	3.5	2.0
TSS	3.5	2.0
Settleable solids	(1)	(1)
pH	Within the range 6.0 to 9.0.	

[1] No comparable English units.

§ 431.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the builders paper and roofing felt subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter, shall be amended to read as follows: "In addition to the prohibi-

tions set forth in § 128.131 of this chapter, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 431.15; *Provided* That, if the publicly owned treatment works which receives the pollutants is committed in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

[FR Doc.74-10581 Filed 5-8-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 431]

BUILDERS PAPER AND BOARD MILLS POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended, (the Act) ; 33 U.S.C. 1251, 1311, 1314 and 1317(b) ; 86 Stat. 816 et seq.; Pub. L. 92–500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 431—Builders Paper and Board Mills Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the builders paper and roofing felt subcategory of the builders paper and board mills point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 431) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

> In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sourecs within the corresponding industrial or commercial category, that established by promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that *when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatments.* (Emphasis added).

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Section 431.15 of the proposed regulation for point sources within the builders paper and roofing felt subcategory (January 1974; 39 FR 1818) contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains § 431.16 which states the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final development document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Builders Paper and Roofing Felt Segment of the Builders Paper and Board Mills Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Pulp, Paper, and Paperboard", (September 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmntal quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of this material, the material may be made available in an alternate format.

The development document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of builders paper and roofing felts, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The development document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of builders paper and roofing felt. The two reports exceed, in the aggregate, 100

pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the builders paper and board mills category (39 FR 1818; January 14, 1974). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 431) which currently is being published immediately preceding this document in the Rules and Regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the builders paper and roofing felt subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the development document the waste water from the building paper and roofing felt subcategory are all similar in types of pollutant contents. The pollutants are organic materials and solids. These waste water pollutants are considered compatible to treatment in a municipal system, and the guidelines should not apply.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 431 be amended to add § 431.14 as set forth below. All comments received on or before June 10, 1974 will be considered.

Dated: May 2, 1974.

JOHN QUARLES,
Acting Administrator.

40 CFR Part 431 is proposed to be amended by adding § 431.14 as follows:

§ 431.14 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 431.12 above shall not apply and, subject to the provisions of Part 128 of this chapter, concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

[FR Doc.74–10582 Filed 5–8–74;8:45 am]

federal register

THURSDAY, MAY 9, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 91

PART IV



DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

■

GUN CONTROL

Published Ordinances of Political Subdivisions of States

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GUN CONTROL

Published Ordinances of Political Subdivisions of States

Pursuant to the provisions of section 921(a)(19), Title 18, United States Code, and § 178.24, Title 26, Code of Federal Regulations (26 CFR Part 178), the following is the annual revised compiled list of the published laws of political subdivisions of States, which are determined to be relevant to the enforcement of Chapter 44, Title 18, United States Code, relating to firearms.

The list of ordinances of each State is preceded by relevant State statutes pertaining to the purchase and possession of firearms.

This revised compilation is in implementation of Title I of the Gun Control Act of 1968 (18 U.S.C. Chapter 44; 82 Stat. 1213) and supersedes that list published on May 8, 1973 (38 F.R. 11933).

[SEAL]

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms,
Department of the Treasury.

ALABAMA

State Law

ALA. CODE ANN. TITLE 14

170. *Selling, etc., pistol or bowie knife to minor.* Any person who sells, gives, or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be fined not less than fifty nor more than five hundred dollars.

171(1). *Sale of firearms or ammunition to residents of adjoining states; purchase in adjoining states.* (1) Any resident of Alabama authorized to sell and deliver rifles, shotguns and ammunition may sell and deliver them to a resident of any state adjoining Alabama. Any purchaser of such firearm or ammunition may take or send it out of the state, or have it delivered to his place of residence.

(2) Any resident of Alabama who legally purchases rifles, shotguns and ammunition in any state adjoining Alabama, may take delivery of said weapons either in the state where they were purchased, or in Alabama.

172. *Definitions.* As used in this article, unless the context requires a different meaning: "pistol" means any firearm with a barrel less than twelve inches in length; "crime of violence" means any of the following crimes, or an attempt to commit any of them, namely, murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping, and larceny; "person" includes any firm, partnership, association or corporation.

174. *Certain persons forbidden to possess pistol.* (a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

178. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.*

179. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of public safety; the triplicate he shall retain for six years. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

180. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

181. *Dealer's licenses, by whom granted and conditions thereof.* The duly constituted licensing authorities of any city, town or political subdivision of this state may grant licenses in forms prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell pistols at retail within this state subject to the following conditions in addition to those specified in section 179 of this title, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this article. The business shall be carried on only in the building designated in the license. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read. No pistol shall be sold in violation of any provisions of this article, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the secretary of state and shall be personally signed by the purchaser and by the person effecting the sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the secretary of state; the triplicate the dealer shall retain for six years. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of any premises where it can readily be seen from the outside. The fee for issuing said license shall be fifty cents which fee shall be paid into the state treasury.

182. *Certain transfers forbidden.* No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to this article, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this article.

183. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

184. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

185. *Antique pistols.* This article shall not apply to the purchase, possession, or sale of pistols as curiosities or ornaments or to the transportation of such pistols unloaded and in a bag, box or securely wrapped package, but not concealed on the person.

ALA. CODE ANN. TITLE 35

175. *Commanding officer may order certain places closed.* When any part of the militia of Alabama is in active service by order of the governor or other civil magistrate, to aid in the enforcement of the laws, the commanding officers of such troops may order the closing of any places where intoxicating liquors, arms, ammunition, dynamite, or other explosives are sold, and forbid the selling, bartering, lending or giving away of any of said commodities in the city, town, or village where the troops are on duty, or in the vicinity of such place, or for so long as any of the troops remain on duty in said vicinity. Such orders shall take effect whether any civil officer has issued a similar order or not; and the commanding officer of such troops may continue said prohibition in force until the departure of the troops, although the sheriff, mayor or intendant of the county, city, or town, or villages may have prescribed an earlier or different date after which such selling, bartering, lending or giving away shall be carried on.

ALA. CODE ANN. TITLE 57

94(1). *Defacement of trade or other identifying marks on motors, guns, machinery, etc.* Any person who defaces, or permits same to be done, with intent to defraud any trademark or other identifying mark on any automobile motor or other motor, pistols, guns, electrical equipment, radios, motor vehicles, refrigerators, furniture, household or office equipment or any other personal property when said property is encumbered with a mortgage, conditional sale contract or other lien, shall be guilty of a misdemeanor and shall, on conviction, be fined not less than twenty-five dollars nor more than five hundred dollars and may be imprisoned in the county jail or sentenced to hard labor for not more than six months.

94(2). *Presumption of guilt.* Any person (other than the absolute owner of said property, while same is free and clear of mortgages, retention of title contracts or other encumbrances) found in possession of such property under any claim of right, with knowledge that said property has been defaced by a person or persons with intent to defraud after said trademarks or other identifying marks have been defaced shall be presumed to be guilty of defacing said marks and shall be punished as provided in section 94(1) hereof unless said person in possession overcomes the presumption by clear and convincing proof.

Anniston

3. No seller of a pistol shall deliver the pistol to a purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

4. The provisions of sections 1–3 shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

5. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

6. This division shall be applicable within the corporate limits and police jurisdiction of this city and shall be construed as supplementing, in such territory, and as not in conflict with, Code of Alabama, Title 14, Sections 172 to 186.

Birmingham

56-3. *Delivery of pistol or Bowie knife to minor.* No person shall sell give or lend to any minor any pistol or Bowie knife or other knife of like kind or description.

56-12. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny or the crime of attempting to commit any of the aforesaid crimes.

Pistol. Any firearm with a barrel less than twelve inches in length.

56-14. *Possession by certain person prohibited.* (a) No person who has been convicted in the state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control. (b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

56-20. *Statement required of persons desiring to purchase—Filing.* At the time of applying for the purchase of a pistol, the person desiring to make such purchase shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence; provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

56-22. *Delivery to purchaser.* No seller of a pistol shall deliver the pistol to a purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

56-24. *Delivery to certain persons forbidden.* No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

14-22. *Prohibiting sale of firearms, alcoholic beverages, etc., authorized.* Whenever any mob, riot or tumult has occurred in the city or there is reasonable cause to apprehend an occurrence thereof, the mayor may in his judgment issue his proclamation ordering the closing of all shops or other places where the business of selling arms, ammunitions, dynamite, or other explosives is carried on, and forbidding the selling, lending, giving away, bartering or otherwise disposing of any of such articles, until such time as in his judgment such occupation may be carried on without danger to the public peace and safety. It shall be unlawful for any person with knowledge of such proclamation or after having been informed thereof by a policeman, fireman or other employee of the city or any peace or military officer of the state or the United States of America to violate the same. * * *.

Brighton

1. All statutory and common law misdemeanors against the State of Alabama are hereby adopted as laws and Ordinances of the City of Brighton.

2. All criminal laws of the State of Alabama by which statutory or common law misdemeanors against the State of Alabama are determined and declared shall be adopted as laws and Ordinances of the City of Brighton, and any and all acts which under said laws of the State of Alabama are held to be misdemeanors, or punishable as such, shall be violations of the laws and Ordinances of the City of Brighton.

5. No seller, within the corporate limits of the City of Brighton, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. * * * This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Decatur

19-28. *Firearms—Selling during riot.* Whenever any mob, riot or tumult occurs in the city, all persons therein who sell arms, ammunition, dynamite or other explosives, shall immediately close their shops, or other places where such business is carried on, and keep them closed and refrain from selling, bartering, lending or giving away any of the articles above mentioned, until such time as public notice shall be given by the sheriff, mayor or chief of police, that such places may be opened and such business carried on, and any person failing to close such shop or other place where any of the businesses above mentioned are carried on, or who sells, barters or gives away any of the articles above mentioned, after knowing, or having good reason to believe, that a riot, mob or tumult has occurred, or is then going on shall forfeit his license, and forever thereafter be debarred from engaging in such business, and may be punished as provided in section 1-8 of this Code. * * *.

Eufaula

884. *Definitions.* As used in this chapter the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes, and the term "exempt person" shall mean a marshal, deputy marshal, sheriff, deputy sheriff, prison or jail warden, deputy prison or jail warden, policeman or other authorized law enforcement officer, or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms, and the term "nonexempt person" shall mean any person other than an exempt person.

885. *Permit to Receive Pistol Required.* It shall be unlawful for any exempt or nonexempt person, or for any employee, servant or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him to receive a pistol.

It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

886. *Same—application;* * * *. Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the chief of police in writing for a permit to receive a pistol. * * *.

891. *Ex-convict not to possess pistol.* No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

892. *Altering, obliterating or removing names or numbers from pistols.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

894. *Sale to or possession by minor of toy pistol.* No person shall expose for sale, sell or give away to any boy or girl under the age of eighteen years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded, and any such boy or girl having in his possession or using any pistol of any kind described in this section, shall, on conviction, be punished as hereinafter provided.

896. *Delivery of pistol or bowie knife to minor.* Any person who sells, gives or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be punished as hereinafter provided.*

Fairfield

2-31. *Power to close certain places in case of riot.* Whenever any mob, riot or tumult has occurred or there is reasonable cause to apprehend an occurrence thereof in the city or in the vicinity thereof, the mayor shall have power to issue his proclamation, ordering the closing of all shops or other places where the business of selling arms, ammunition, dynamite or other explosives, is carried on, and forbidding the selling, lending, giving away, bartering or otherwise disposing of any such articles, until such time as, in his judgment, such occupation may be carried on without danger to the public peace and safety.

Florence

15-39. *Selling to or use by minors.* It shall be unlawful for any person to sell, give, lend or otherwise place in the possession of any minor, any pistol, firearm or other weapon which may be concealed upon the person, and it shall be unlawful for any minor to have in his possession or use any such firearm or weapon in the city.*

Gardendale

2. *Definitions.* As used in this Ordinance, the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes, * * *.

6. *Ex-convict not to possess pistol.* No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

7. *Altering, obliterating or removing names or numbers from pistols.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

11. *Delivery of pistol or bowie knife to minor.* Any person who sells, gives or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be punished as provided in Section 2 of Ordinance #13.*

Midfield

5. No seller, within the corporate limits of the City of Midfield, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement he has never been convicted in this state or elsewhere of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail or personally deliver one copy of such statement to the chief of police. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Mobile

4. *After proclamation of a civil emergency,* the Mayor of the City of Mobile may also in the interest of public safety and welfare make any or all of the following orders: * * * (g) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of an character whatsoever. (h) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition.

Montgomery

45-4. *Selling or giving small pistols to minors.** It shall be unlawful for any person in the city to sell, give or deliver to any minor any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

45-5. *Possession of small pistols by minors.* It shall be unlawful for any minor in the city to have in his possession or use any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

Oxford

1. Any person applying for the purchase of a pistol shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence; provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

2. The seller receiving a statement filed as provided in Section One shall, within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of this city. The duplicate copy of such statement shall be retained by the seller for six years.

3. No seller of a pistol shall deliver the pistol to a purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

4. The provisions of Sections One-Three shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

5. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Ozark

14-29. *Definitions.* "Pistol" as used in this article, means any firearm with barrel less than twelve (12) inches in length.

"Person", as used in this section, includes firm, partnership, association or corporation.

14-30. *Application of provisions.* This article shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

14-32. *Possession of arms by persons convicted of violent crimes.* No person who has been convicted in this city or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

14-34. *Delivery of pistols to certain persons prohibited.* No person shall deliver a pistol to any person under the age of eighteen (18) or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.*

14-48. *Orders issuable by mayor.* After a proclamation of a civil emergency, the mayor of the City of Ozark may, also, in the interest of public safety and welfare, make any or all of the following orders:

(b) Order the closing of gasoline stations and other establishments, the chief business of which is the sale, distribution or dispensing of gasoline, liquid, flammable or combustible products.

(c) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(d) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition.

14-49. *Acts prohibited during proclaimed civil emergency.* (a) *Molotov cocktail.* After the proclamation of a civil emergency, no person shall make, carry, possess or use any "molotov cocktail", or petroleum base fire bomb or other incendiary missile, a "molotov cocktail" as herein contemplated shall mean a gasoline-filled bottle or container with a fuse type wick inserted in the neck (commonly used in World War II).

Selma

17-229. *Selling, giving or lending to minor.* It shall be unlawful for any person to sell, give or lend to any minor any air gun, firearm or Bowie knife or other knife of like kind or description.*

Sylacauga

16-31. *Required to receive.* It shall be unlawful for any exempt or nonexempt person, or any employee, servant, or agent of any exempt or nonexempt person to sell, give, lend or deliver a pistol to any nonexempt person unless the latter has in his possession and shall deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him or her to receive a pistol.

16-32. *Required to acquire.* It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person has in his or her possession and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

Thomasville

2. *Permit to receive pistol—required.* A. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the Chief of Police authorizing him to receive a pistol.

B. It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the Chief of Police authorizing such nonexempt person to receive a pistol.

3. *Same—Application; investigation; issuance; number and disposition of copies; fee; revocation.* Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the Chief of Police in writing for a permit to receive a pistol * * *.

Tuscaloosa

34-13. *Definitions.* For the purpose of this article, the following words and phrases shall have the meanings herein ascribed to them:

Crime of violence. The term "crime of violence" means any of the following crimes, or an attempt to commit any of them: Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny.

Pistol. The word "pistol" shall mean any firearm with a barrel less than twelve (12) inches in length.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

Purchaser. The term "purchaser" shall, in addition to its ordinary and customary meaning, include any person who receives a pistol by gift, pledge or loan.

Seller. The term "seller" shall, in addition to its ordinary and usual meaning, include any person who delivers a pistol to another by way of loan, gift or pledge.

34–15. *Sale or delivery to minors, drug addicts, etc., prohibited.* No person shall sell, give or deliver a pistol to any person under the age of eighteen (18) or to one who he has reason to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard or of unsound mind.*

34–16. *Sale to unknown purchaser.* No person shall sell a pistol to any purchaser, under any circumstances, unless the purchaser is personally known to the seller or shall present clear evidence of his identity and age.

34–17. * * *; *Delivery to purchaser.* * * * No person shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded.

34–20. *Certain purchases and sales excepted from article.* This article shall not apply to the purchase or sale of pistols as curiosities or ornaments, nor shall the same apply to purchases by licensed retailers, manufacturers, wholesalers or jobbers.

ALASKA

State Law

ALASKA STATS. ANN.

11.55.030. *Possession by convicts.* A person who has been convicted of a felony, or a misdemeanor involving assault and battery, assault with a dangerous weapon, burglary, robbery and like crimes, by a court in the state, or by the courts of the United States or of another state or territory, may not own or have in his possession or under his custody or control a pistol, revolver, or other firearm capable of being concealed about his person, or carry concealed about his person a knife with a blade over two inches long or a dirk or dagger, slingshot, metal knuckles, or an instrument by the use of which injury could be inflicted upon the person or property of another.

11.55.070. *Possession of firearm while under influence of intoxicating liquor or drug.* A person who, while under the influence of intoxicating liquor or an exhilarating or stupefying drug, carries, has in his possession or under his control, or uses or discharges a firearm is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than $1,000, or by imprisonment in a jail for not more than one year, or by both.

Kodiak

3. *Minors—firearms.* It shall be unlawful for any person to give, barter, sell, lease, or otherwise make available to any person under the age of eighteen (18) years, any firearm, including but not limited to pistols, rifles, and shotguns, within the City.*

Fairbanks

(5) No person shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years without written permission of his parent or guardian.*

(1) No person shall cast, throw, light, or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

(2) No person shall exhibit, or have in his possession with intent to give away, or sell, or offer for sale, within the City of Fairbanks, any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

Seward

15–13. *Same—Sale of firearms to.* It shall be unlawful for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years any firearm, including but not limited to pistols, rifles, and shotguns, within the city.

ARIZONA

State Law

ARIZ. REV. STATS. TITLE 13

13–917.02. *Regulation of firearms by state.* Ordinances of any political subdivision of this state relating to the possession, carrying, sale and use of firearms in this state shall not be in conflict with this chapter.

13–918. *Sale or gift of firearm to minor; punishment.* A. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.*

13–919. *Possession of pistol by criminal; definitions.* A. It is unlawful for a person who has been convicted of a crime of violence in any court of the United States, its territories, districts or possessions, or of the several states, to possess a pistol, unless such person has been pardoned for such crime or has by law regained full status as a citizen.

C. "Pistol" within the provisions of this section means any weapon with a barrel less than twelve inches in length, which is designed to expel a projectile by the action of expanding gas.

D. "Crime of violence" within the provisions of this section means murder, manslaughter with a dangerous weapon or implement other than an automobile, assault with a dangerous weapon, rape, mayhem, kidnaping, robbery, burglary or assault with intent to commit any offense punishable by imprisonment for more than one year.

13–924. *Firearm purchase in other states.* A. A person residing in this state, or a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise obtain firearms anywhere in the United States if such purchase or acquisition fully complies with the laws of this state and the state in which the purchase or acquisition is made and the purchaser and seller, prior to the sale or delivery for sale, have complied with all the requirements of the Federal Gun Control Act of 1968, Public Law 90–618, § 922, subsection (C)[1] and the Code of Federal Regulations, Volume 26, § 178.96, subsection (C).

B. For purposes of this section, all terms are to be given the meaning prescribed by the Federal Gun Control Act of 1968, Public Law 90–618, § 921.[2] Added Laws 1971, Ch. 42, § 1.

(NOTE: Because of the restrictions in Federal Gun Control Act (Public Law 90–618) Arizona residents are authorized to purchase only rifles and shotguns in contiguous states only, i.e., California, Colorado, Nevada, Utah and New Mexico.)

ARIZ. REV. STATS. TITLE 26

26–178. *Illegal possession of equipment; penalty.* A. A person having in his possession a uniform, arms, equipment, supplies or other military property of the state or United States, who secretes, disposes of, offers for sale or in any manner pledges, retains or refuses to deliver to an officer entitled to demand possession of the property, or who, being a member of the national guard, wears, when not on duty, such uniform or equipment without permission of his commanding officer, is, if the property is of a value more than fifty dollars, guilty of a felony, and if the value is less than fifty dollars, guilty of a misdemeanor punishable as provided by law.

Bisbee

6–4–5. *Registration of dealers required:* Every person who deals in arms, ammunition and explosives, or either of them, shall register as such dealer in a book for that purpose kept by the Chief of Police. In said book he shall write his name, his business or occupation and the address of his place of business.

Casa Grande

F. *Sale of weapons to minors.* A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.*

Jerome

2. *Any person, firm or corporation who shall sell,* give, rent, barter or furnish within the town of Jerome, any rifle, carbine, shotgun, pistol, revolver or any firearm whatsoever, or any ammunition or cartridge for any rifle, carbine, shot-gun, pistol, revolver or any firearm whatsoever to any person unless such person shall at the time have and show the permit herein provided for from the Marshal of the town of Jerome shall be guilty of a misdemeanor * * *.

Phoenix

23–43. *Dealers in firearms—registration required.* Every person dealing in firearms, ammunition or explosives shall register as a dealer in a book to be kept by the Chief of Police for that purpose. In the book shall be written the name of such dealer, the character of his business and the street number at which such business is located and carried on.

23–46.1. *Unlawful to make, possess or dispose of a fire bomb; penalties; exceptions.* (a) Definitions. Disposes of—To give, give away, loan, offer, offer for sale, sell, transfer, hurl, throw, or cause to be hurled or thrown.

Fire bomb—A breakable container containing a flammable liquid with a flash point of one hundred fifty degrees fahrenheit or less, having a wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb for the purposes of this Section.

(b) Offenses. A person is guilty of a misdemeanor who: (1) Possesses any of the component parts of a fire bomb with intent to wilfully and maliciously use such material, substance or device to set fire to or burn any buildings or property. (2) Possesses, manufactures or disposes of a fire bomb.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

(c) Exceptions. The provisions of Subsections (a) and (b) of this Section shall not prohibit: (1) The authorized use or possession of any material, substance or device described in such Subsections by a member of the Armed Forces of the United States or National Guard of the State of Arizona, or by firemen, police officers or peace officers authorized by the properly constituted authorities and acting in the course of their official duties; (2) The use or possession of any material, substance or device described therein when used solely for scientific research or educational purposes, or for any lawful burning; (3) The manufacture or disposal of a fire bomb for the parties or purposes described in this Subsection.

ARKANSAS

State Law

ARK. STATS. TITLE 41

41-4507. *Uniform machine gun act—Definitions.* "Machine Gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device.

"Crime of Violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

41-4509. *Offensive or aggressive purposes—Penalty.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of (not less than ten (10) years).

41-4510. *Offensive or aggressive purpose defined.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose;

(a) when the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) when in the possession of, or used by, an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) when the machine gun is of the kind described in section 8 [§ 41-4514] and has not been registered as in said section required; or

(d) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

41-4511. *Evidence of possession or use of machine gun.* The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

41-4518. *Tear gas—Carrying or possession a misdemeanor.* Any person who shall carry or have in his possession any tear gas in any form whatever, and any person who shall carry or have in his possession any gun, bomb, grenade, cartridge or other weapon designed for the discharge of tear gas, shall be guilty of a misdemeanor.

41-4525. *Residents of this state authorized to purchase rifles, shotguns or ammunition in an adjacent state.* Hereafter, a resident of this State shall be permitted to purchase a rifle, shotgun, or ammunition in an adjacent state; such sales are hereby expressly authorized pursuant to the regulations issued under the Federal Gun Control Act of 1968 * * *.

El Dorado

23-27 A. *Pistols, sale and transfer regulated-definitions.* (1) The term "person" includes any individual, partnership, association, or corporation.

(2) The term "pistol" means any firearm with a barrel less than twelve inches in length, except cap and ball, flintlock, wheellock or matchlock hand guns.

(3) The term "manufacturer or dealer" means any person engaged in the business of manufacturing or selling pistols at wholesale or retail, or of accepting or pledging pistols as security for loans.

(4) The term "gun collector" means any person who as a hobby but not for profit shall collect and traffic in pistols.

(5) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, assault with intent to kill, commit rape, or rob; or assault with intent to commit any offense punishable by imprisonment for more than one year.

(6) The term "fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

23-27 B. *Pistols, sale and transfer regulated-license required; sales restricted.* (1) It shall be unlawful for any manufacturer, dealer, or gun collector, except a manufacturer, dealer, or collector having a valid federal firearms license, to sell any pistol at wholesale or retail, or to lease or to pledge or accept any pistol as security for a loan.

(2) When delivered, all pistols must be securely wrapped and must be unloaded.

(3) It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or who is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of liquor at the time of the sale or who is under the age of twenty-one years.

23-27 C. *Pistols, sale and transfer regulated-possession by certain persons prohibited; permit to display serial number; record of sales.* (1) It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, to possess a pistol within this city.

(2) It shall be unlawful for any person under age of eighteen to possess a pistol. The provisions of this section shall not apply to the issue of pistols to members of the State Militia, R.O.T.C., or armed forces of the United States for training or active duty.

(3) It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a pistol to any person under twenty-one years of age except as provided in paragraph 2 above.

(4) It shall be unlawful for any person to purchase, receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's identification mark or serial number has been removed.

Little Rock

25.96. *Pistols, sale and transfer regulated—Definitions.* (a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "pistol" means any firearm with a barrel less than twelve inches in length, except cap and ball, flintlock, wheellock or matchlock hand guns.

(c) The term "manufacturer or dealer" means any person engaged in the business of manufacturing or selling pistols at wholesale or retail, or of accepting or pledging pistols as security for loans.

(d) The term "gun collector" means any person who as a hobby but not for profit shall collect and traffic in pistols.

(e) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, assault with intent to kill, commit rape, or rob; or assault with intent to commit any offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any persons who has fled or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

25-97. *Same—License required; sales restricted.* (a) It shall be unlawful for any manufacturer, dealer, or gun collector, except a manufacturer, dealer, or collector having a valid federal firearms license, to sell any pistol at wholesale or retail, or to lease or to pledge or accept any pistol as security for a loan.

(b) When delivered, all pistols must be securely wrapped and must be unloaded.

(c) It shall be unlawful for any person to sell lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or who is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of liquor at the time of the sale, or who is under the age of twenty-one years.

25-98. *Same—Possession by certain persons prohibited; permit to display; serial number; record of sales, etc.* (a) It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, to possess a pistol within this city.

(b) It shall be unlawful for any person under age of eighteen to possess a pistol. The provisions of this section shall not apply to the issue of pistols to members of the State Militia, R.O.T.C., or armed forces of the United States for training or active duty.

(c) It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a pistol to any person under twenty-one years of age except as provided in paragraph (b) above.

(f) It shall be unlawful for any person to purchase, receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's identification mark or serial number has been removed.

Morrilton

11-64. *Same—Sale of weapons and ammunition.* Any person who shall sell, barter or exchange or otherwise dispose of or in any manner furnish to any person, any dirk, or bowie knife, or a sword or a spear in a cane, brass or metal knucks, or any kind of pistol of any kind whatever except such as are used in the army or navy of the United States, and known as the navy pistol, or any kind of cartridge for any pistol, or any person who shall keep any such arms or cartridges for sale in the city shall be deemed guilty of a misdemeanor.

Springdale

22-21. *Sale, loan, etc., weapons to intoxicated persons, etc.* It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

22-22. *Possession of weapons by felons, intoxicated persons, etc.* It shall be unlawful for any person who has been convicted of a felony, or who is under the influence of alcohol or a narcotic or drug, to wear or have about his person or in any vehicle in which he is an occupant any firearm or other dangerous or deadly weapon.

CALIFORNIA

State Law

WEST'S ANN. CALIF. CODES, PENAL CODE

1203.4 *Discharged probationer; change of plea or vacation of verdict; dismissal of charge; release from penalties and disabilities; application; pleading prior conviction in prosecution for subsequent offenses.* (a) Every defendant who has fulfilled the conditions of his probation for the entire period thereof or has been discharged from probation prior to the termination of the period thereof shall, at any time thereafter, if he is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, be permitted by the court to withdraw his plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant and he shall thereafter be released from all penalties and disabilities resulting from the offense of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that, in any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

Dismissal of an accusation pursuant to this section does not permit a person to own, possess, or have in his custody or control any firearm capable of being concealed upon the person or prevent his conviction under Section 12021.

This subdivision shall apply to all applications for relief under this section which are filed on or after the effective date of the amendment of this section enacted at the 1970 Regular Session of the Legislature.

(b) Subdivision (a) of this section does not apply to any misdemeanor which is within the provisions of subdivision (b) of Section 42001 of the Vehicle Code, or to any infraction.

12001. "Pistol," "revolver" and "firearm capable of being concealed upon the person" as used in this chapter apply to and include any device, designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and which has a barrel less than twelve inches in length. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in Sections 12021, 12072, and 12073 include the frame or receiver of any such weapon.

12001.5 Except as provided in Section 12020, nothing in this chapter shall be construed as authorizing the manufacture, importation into the state, keeping for sale, offering for sale, or giving, lending, or possession of any sawed-off shotgun, as defined in Section 12020.

12020. (a) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, nunchaku, sandclub, sandbag, sawed-off shotgun, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition or who carries concealed upon his person any dirk or dagger, is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

(b) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon without handles for throwing is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

(c) (1) As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

12021. (a) Any person who is not a citizen of the United States and any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both.

(b) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment; or

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars ($1,000), or received both such punishments.

12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any of the weapons mentioned in Section 653k, 12020, or 12025 is a nuisance.

(b) A firearm of any nature used in the commission of any misdemeanor as provided in this code or any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant, a nuisance.

(c) Any weapon described in subdivision (a), or, upon conviction of defendant, any weapon described in subdivision (b), shall be surrendered to the sheriff of a county or the chief of police or other head of a municipal police department of any city or city and county. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officers in charge of them consider to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed under federal law to engage in businesses involving any weapon purchased. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, or is used in such a manner as to constitute a nuisance pursuant to subdivision (a) or (b) without the prior knowledge of its lawful owner that it would be so used, it shall not be so offered for sale but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

1. Section 12070 of the Penal Code is amended to read:

12070. No person shall engage in the business of selling or otherwise transferring, or shall advertise for sale, or offer or expose for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, unless he has been issued a license pursuant to Section 12071. Any person violating this section is guilty of a misdemeanor.

12071. The duly constituted licensing authorities of any city or county shall accept applications for, and may grant licenses permitting the licensee to sell at retail within the county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person. If a license is granted it shall be in the form prescribed by the Attorney General, effective for not more than one year from the date of issue, and be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture. * * *.

3. No pistol or revolver shall be delivered (a) within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

12072. No person, corporation or dealer shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by Section 12021 from owning or possessing such firearms, nor to any minor under the age of 18 years. In no event shall any such firearm be delivered to the purchaser within 5 days of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this State who is not personally known to the vendor. Any violation of the provisions of this section is a misdemeanor.

12076. The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign his legal name and affix his residence address and date of birth to the register in,

quadruplicate and the salesman shall affix his signature in quadruplicate on each sheet as a witness to the signature of the purchaser. Any person furnishing a fictitious name or address or knowingly furnishing an incorrect birth date and any person violating any of the provisions of this section is guilty of a misdemeanor.

Two copies of the original sheet of the register shall, on the date of sale, be placed in the mail, postage prepaid, and properly addressed to the State Bureau of Criminal Identification and Investigation at Sacramento and the third copy of the original shall be mailed, postage prepaid, to the chief of police, or other head of the police department of the city or county wherein the sale is made. Where the sale is made in a district where there is no municipal police department the third copy of the original sheet shall be mailed to the sheriff of the county wherein the sale is made.

If, on receipt of its two copies of the original sheet, it appears to the bureau that the purchaser resides in a district other than that to which a copy of the original sheet is required to be mailed, the bureau shall transmit one of its copies to the head of the municipal police department, if any, in the district in which the purchaser resides or, if none, to the sheriff of the county in which he resides.

If the bureau determines that the purchaser is a person described in Section 12021 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, it shall immediately notify the dealer of such fact.

12078. The preceding provisions of this article do not apply to sales of concealable firearms made to persons properly identified as full-time paid officers of a city police department, sheriff's department, district attorney's office, the California Highway Patrol, or the State Department of Justice, nor to sales of concealable firearms made to authorized representatives of cities, cities and counties, counties, state or federal governments for use by such governmental agencies. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser is employed, identifying the purchaser and authorizing the purchase. The certification shall be delivered to the seller at the time of purchase and the purchaser shall identify himself as the person authorized in such certification. On the day the sale is made, the dealer shall forward by prepaid mail to the Bureau of Criminal Identification and Investigation a report of such sale and the type of information concerning the buyer and the firearm sold as is indicated in Section 12077.

12090. Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the State Bureau of Criminal Identification and Investigation, on any pistol or revolver, without first having secured written permission from the bureau to make such change, alteration or removal shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

12091. Possession of any pistol or revolver upon which the name of the maker, model, manufacturer's number or other mark of identification has been changed, altered, removed, or obliterated, shall be presumptive evidence that the possessor has changed, altered, removed, or obliterated the same.

12093. Any person who places or stamps on any pistol or revolver any number except one assigned to it by the bureau is guilty of a misdemeanor. This section does not prohibit restoration by the owner of the name of the maker, model, or of the original manufacturer's number or other mark of identification when such restoration is authorized by the bureau, nor prevent any manufacturer from placing in the ordinary course of business the name of the maker, model, manufacturer's number, or other mark of identification upon a new pistol or revolver.

12094. Any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any pistol or revolver which does not bear the manufacturer's number or other mark of identification in its original condition or as restored, or a distinguishing number or mark assigned to it by the State Bureau of Criminal Identification and Investigation is guilty of a misdemeanor.

12200. The term "machine gun" as used in this chapter means any weapon which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger and includes any frame or receiver which can only be used with such weapon. The term shall also include any combination of parts designed and intended for use in converting a weapon into a machine gun.

12201. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of machine guns by police departments, sheriffs' offices, city marshals' offices, or the military or naval forces of this State or of the United States for use in the discharge of their official duties; nor shall anything in this chapter prohibit the possession of machine guns by regular, salaried, full-time members of a police department, sheriff's office, or city marshal's office when on duty and such use is within the scope of their duties.

12220. Any person, firm or corporation, who within this State sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed five years or by a fine not to exceed five thousand dollars ($5,000), or by both such fine and imprisonment.

12230. Chief of the Bureau of Criminal Identification and Investigation may issue permits for the possession and transportation or possession or transportation of such machine guns, upon a showing satisfactory to him that good cause exists for the issue thereof to the applicant for such permit but no permit shall be issued to a person who is under 18 years of age.

12231. Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address and a full description of the use to which the firearms are to be put.

Applications and permits shall be uniform throughout the State on forms prescribed by the Bureau of Criminal Identification and Investigation.

12250. The Chief of the Bureau of Criminal Identification and Investigation may grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of machine guns subject to all of the following conditions, upon breach of any of which the license shall be revoked: * * *

3. No machine gun shall be delivered to any person not authorized to receive the same under the provisions of this chapter.

12301. (a) The term "destructive device," as used in this chapter, shall include any of the following weapons:

(1) Any projectile containing any explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns.

(2) Any bomb, grenade, explosive missile, or similar device or any launching device therefor.

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designed primarily for emergency or distress signaling purposes.

(5) Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(b) The term "explosive," as used in this chapter, shall mean any explosive defined in Section 12000 of the Health and Safety Code.

12302. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of, or use of destructive devices by:

(a) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the Department of Justice authorized by the Attorney General, while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his employment.

12303. Any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison for a term not to exceed five years, or by a fine not to exceed five thousand dollars ($5,000) or both such fine and imprisonment.

12303.6. Any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 15 years.

12304. Any person, firm or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any fixed ammunition of a caliber greater than .60 caliber, except as provided in this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed one thousand dollars ($1,000), or by both such fine and imprisonment.

A second or subsequent conviction shall be punished by imprisonment in the county jail for a term not to exceed one year, or by imprisonment in the state prison for a term not to exceed three years, or by a fine not to exceed three thousand dollars (3,000), or by both such fine and imprisonment.

12305. Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of such business from the Chief of the Bureau of Criminal Identification and Investigation. Such permit shall be issued upon a satisfactory showing to him that good cause exists for the issuance thereof and after the payment of a fee of fifty dollars ($50). Such permit shall be valid for a period of one year only.

12306. Any person, firm or corporation, other than those included in Section 12305, shall obtain a permit from the Chief of the Bureau of Criminal Identification and Investigation before possessing or transporting any destructive device. The chief may issue such a permit upon a satisfactory showing that good cause exists for the issuance thereof, and after the payment of a fee of ten dollars ($10). The chief shall issue a permit without payment of a fee upon a satisfactory showing that the possessor of such destructive devices is a bona fide collector of destructive devices. Such permit shall be valid for a period of one year only.

12500. The term "silencer" as used in this chapter shall apply to and include all devices or attachments of any kind designed, used or intended for use in silencing the report of a firearm.

12501. Nothing in this chapter shall prohibit any peace officer listed in Section 830.1, or the military or naval forces of this state or of the United States from possessing silencers for official use in the discharge of their duties.

12520. Any person, firm or corporation who within this State possesses any device of the kind commonly known as a silencer for firearms is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed three years or by a fine not to exceed five thousand dollars ($5,000), or by both.

12550. No person shall sell any firearm to any minor who is at least 16 years of age, but not over the age of 18 years without the written consent of a parent or legal guardian of the minor.*

Violation of this section is a misdemeanor.

12551. Every person who sells to a minor any firearm, air gun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, is guilty of a misdemeanor.

12560. Every person who has been convicted of a felony under the laws of the United States, of the State of California, or of any other state, government, or country and who used a firearm in the commission of such felony, who owns or has in his possession or under his custody or control any firearm is punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both such term of imprisonment and such fine.

12570. Any person residing in this state may purchase any rifle or shotgun, as defined in the federal Gun Control Act of 1968 (18 U.S.C., Sec. 921 et seq.), in a state contiguous to this state pursuant to paragraph (3), subdivision (b), Section 922 of Title 18 of the United States Code, and in conformance with the rules and regulations prescribed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968. The purchase of any such rifle or shotgun pursuant to this section is also subject to any other applicable laws of this state and all such laws of the contiguous state in which the rifle or shotgun is purchased.

Alameda

16-512. *Maxim silencer.* It is hereby declared to be unlawful for any person, firm or corporation to have in its or his possession any Maxim silencer to be used, or that may be used, on any firearm or arms, or any similar apparatus or device to be used, or that may be used, on any firearm or arms.

16-517. *Firearms and air rifles—Use or possession of by minors.* It shall be unlawful for any persons to sell or give to any minor in the City of Alameda under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to possess, use, or discharge, any rifle, gun, pistol, revolver, air rifle, B-B gun, or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.**

16-521. *Sale, etc., except to permit holder unlawful.* It shall be unlawful for any person, firm, association or corporation to sell, lease or otherwise transfer a pistol, revolver or other firearm of a size capable of being concealed upon the person, unless the person to whom the same is sold, leased or otherwise transferred, shall first exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such weapon.

16-522. *Permit to acquire firearm—Application—Issuance—Sale not to be made without permit—Endorsement.* Upon satisfactory proof being made to him that the person applying therefor is of good moral character and that good cause exists for the issuance thereof, the Chief of Police may issue to such person a numbered permit authorizing such person to purchase, lease or otherwise acquire a pistol, revolver or other firearm of a size capable of being concealed on the person, such application shall be made in the applicant's own handwriting, and shall set forth his name, residence, business and business address, the kind of firearm desired and the reason for his application. The permit, which shall be issued in duplicate, shall show the name, residence and business of the person to whom issued and his description, including height, weight, age, color of hair, skin and eyes, and be countersigned by the permittee himself at the time of issuance. The Chief of Police shall retain the duplicate copy in the files of his office. No such sale, lease or other transfer of such a firearm shall ever be made without such a permit and unless the description of the person desiring such acquisition shall correspond with the description in such permit, nor unless such permit is then and there surrendered to the person from whom such firearm is received. The person selling, leasing or otherwise transferring such firearm shall endorse upon the permit the make, number and caliber of such firearm and immediately transmit the permit to the Chief of Police.

16-524. *Purchase or acceptance of firearm without permit unlawful.* It shall be unlawful for any person in the City of Alameda to purchase or accept delivery from any person, firm, association or corporation, outside the City, of any pistol, revolver or other firearm of a size capable of being concealed on the person, without first having procured a permit from the Chief of Police as provided in Section 16-522.

16-525. *Article not applicable to officers or dealers receiving or transporting firearms.* Nothing in this chapter shall apply to duly elected or appointed peace officers of any political subdivision of the State, or to bona fide dealers receiving or transporting unloaded pistols, revolvers or other firearms in the regular course of business.

Alameda County

4-11.0 *Definition of dangerous weapon.* Dangerous weapon shall mean and include:
4-11.1 *Use, possession, discharge, sale of dangerous weapons.* Except as otherwise provided in Section 4-11.2, it shall be unlawful for any person in the unincorporated territory of Alameda County to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

4-11.2 *Same: exceptions.* Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision (f) of Section 4-11.0; nor to prohibit such minor from using or having in his possession, care custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some adult person; nor to prohibit any minor from using or having in his possession or control any dangerous weapon which is in good faith in his possession or control or use for his lawful occupation or employment or for the purpose of lawful recreation.**

Alhambra

2642. *Section one:* It shall be unlawful for any person, firm or corporation to sell, exchange, give, loan or furnish to any person under eighteen years of age, any spring back knife, sling shot or sling device having a rubber band more than one-eighth of an inch (1/8 in.) in width; or any gun, revolver, pistol, BB gun, pellet gun, or firearm of any description which discharges or propels any missile; or any crossbow or bow more than three feet (3 ft.) in length; or any metal or pointed tipped arrows; or any spring gun, air gun or blow gun designed or intended to discharge any shot or other deadly or dangerous missile; or any ammunition, cartridge or shell; or any other device containing any explosive substance designed and intended for use in any of the weapons enumerated herein.**

Artesia

I. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person un-

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

**NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

der the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.*

II. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.*

Azusa

8.09.020. *Possession of dangerous weapons by minors prohibited.* Except as otherwise provided for in this Chapter, it shall be unlawful for any person under the age of eighteen years to have in his possession, or under his control, care, or custody, any gun, revolver, pistol, firearm, simulated firearm, spring gun, air gun, air rifle, sling, sling shot or device designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, firearm or device containing any explosive substance designed or intended to be used in or fired from any gun, pistol, or firearm or simulated firearm.

8.09.030. *Providing dangerous weapons to minors unlawful.* Except as otherwise provided for in this Chapter it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, or loaned, or in any way furnished, to any minor person under the age of eighteen years, any gun, revolver, pistol, firearm, simulated firearm, spring gun, air gun, air rifle, sling, sling shot, or device designed or intended to discharge or capable of discharging any dangerous missile or explosive substance. This Section shall not apply to or include any person who shall loan, give, or furnish to any minor person under the age of eighteen years any firearm or weapon or device when and only when it is so loaned, given or furnished to comply with and when such minor person under eighteen years of age actually participates in shooting at any of the designated target ranges in Section 8.09.050 or while going to and returning from such target ranges.*

Baldwin Park

3508. No person shall sell at retail within the city, pistols, revolvers, or other firearms capable of being concealed upon the person without first having obtained a permit from the Chief of Police authorizing such person to make such sale. For the purpose of this section the Chief of Police is hereby designated as the licensing authority.

3509. The Chief of Police may issue a permit for the sale of firearms upon receiving an application in conformity with the form prescribed by the Attorney General and further in conformity with Article 4, Chapter 1, Title 2, Part 4 of the Penal Code of the State of California.

3520. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling shot, or device designed or intended to discharge or capable of discharging any dangerous missile.*

3520.1 Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or firearm.*

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in the City of Baldwin Park the giving, loaning, or furnishing to any person under the age of eighteen (18) years any articles mentioned in Sections 3520, and 3521 hereof, nor to prohibit any persons under the age of eighteen (18) years from having in his or her care, custody, or control, any article mentioned in Section 3520.2 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person, or in the event that such person is under the direct supervision and control of some adult person.

Bellflower

3400. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designated or intended, to discharge, or capable of discharging, of any dangerous missile.*

3401. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

3403. Nothing in Sections 3400, 3401, * * * shall be deemed or construed to prohibit in said City of Bellflower the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3400 and 3401 hereof; * * *.*

Belmont

11.6. *Sale of firearms to minors.* No person shall sell, deliver or transfer to any person under the age of eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.*

Beverly Hills

3–7.02. *Furnishing weapons to minors.* It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol, spring or air gun, slingshot, device intended to discharge any shot or other dangerous or deadly missile or firearm of any description to any person under the age of eighteen (18) years.*

3–7.03. *Furnishing ammunition to minors.* It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any cartridge, shell or other device containing any explosive or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description containing any explosive or any ammunition of any description to any person under the age of eighteen (18) years.*

3–7.04 *Possession of weapons by minors: duty of parents.* (a) *Possession by minors.* It shall be unlawful for any person under the age of eighteen (18) years to have in his possession, care, custody or control any gun, revolver, pistol, spring or air gun, slingshot, device capable of discharging any shot or other dangerous or deadly missile or firearm of any description, or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

(b) *Duty of parents.* It shall be unlawful for any parent, guardian or person having custody of any person under eighteen (18) years of age to permit such person under eighteen (18) years of age to have, use or have in his possession, care, custody or control any gun, revolver, pistol, spring or air gun, slingshot, device capable of discharging any shot or other dangerous or deadly missile or firearm of any description, or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

Buena Park

18–13. *Possession or use of firearms prohibited.* No person under the age of eighteen years shall use or have in his possession any firearm, spring gun, air rifle, slingshot or ammunition within the city.

18–14. *Giving, selling, etc., of firearms to minors.* No person shall give, sell or loan to any person under the age of eighteen years any firearm, spring gun, air rifle, slingshot or ammunition.

Burbank

20–57. *License to sell firearms at retail.* Any person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms capable of being concealed upon the person, shall obtain the license required by Title 2, Chapter 1, Article 4, of the Penal Code of the State of California from the License Division, the purpose of this section being to provide for the granting of the local license prescribed by Section 12071 and amendments thereto of said Penal Code. No license shall be issued by the License Division hereunder unless first approved by the Chief of Police, in writing. Said license shall be in form as prescribed by the Attorney General and subject to the conditions prescribed by Section 12071 and amendments thereto of the Penal Code of the State of California.

20–58. *Unlawful to sell without prior notice to chief of police.* No person shall sell, deliver or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person, to any person without notifying the Chief of Police of the intended sale or transfer at least twenty-four (24) hours before the transfer is made, giving the name and address of the transferor, a description of the firearm, and the name and address of the transferee. * * *.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

20–63. *Sale of ammunition to minors.* No person shall sell, exchange, give or loan to any person under sixteen (16) years of age any ammunition, cartridge, shell, pellets, BB shot, shot or other missile designed for use in any firearm or spring or air gun or gas operated gun of any description. Shooting galleries and ranges may furnish ammunition to person under sixteen (16) years of age to be expended at the gallery or range under the supervision of a responsible adult, provided the parent or guardian personally appears and consents in writing.*

20–64. *Possession of firearms by minors.* (a) No person under sixteen (16) years of age shall have in his possession any firearm, spring gun, air gun or gas operated gun, or ammunition for such weapons.

This section shall not apply to a minor under the age of sixteen (16) years when engaged in shooting as provided for in Section 20–59 hereof, or when traveling to and from any of the places mentioned in Subsections (a), (b) and (c) of Section 20–59 for the purposes of shooting.

(b) *Other dangerous devices.* No person under sixteen (16) years of age shall have in his possession any other device not mentioned in Subsection (a) capable of discharging a dangerous or deadly missile unless engaged in shooting or practicing at a location designated for such purpose by the Chief of Police, or when traveling to or from any such location, or when defending life or property.

(c) *Applicability.* The preceding Subsections (a) and (b) shall be applicable to minors between sixteen (16) and eighteen (18) years of age, in possession of the items mentioned therein, without the consent of a parent or legal guardian.

8–14. *Firearms.* Every person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms, shall pay for revenue purposes a license fee of one (1%) percent of the total gross receipts collected from the sale or rental of such firearms; provided, however, that in no event shall the license fee be less than Twelve ($12.00) Dollars per year.

Cerritos

9.16.010 *Selling firearm to minor unlawful.* Except as otherwise provided in Section 9.16.040, it is unlawful for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile.**

9.16.020 *Selling dangerous weapon unlawful.* Except as otherwise provided in Section 9.16.040, it is unlawful for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing an explosive substance designed, or intended to be used in, or fired from, any gun, revolver, pistol or firearm.**

9.16.040. *Exceptions.* Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.16.010 and 9.16.020; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control, any article mentioned in Section 9.16.030 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; nor to prohibit any such person under the age of eighteen years from firing, discharging, shooting or operating, any article mentioned in Section 9.16.030 when such person is accompanied by, and under the direct care and control of some adult person and is lawfully engaged in shooting any inanimate target or trapshooting device.

Chula Vista

508–1. *Firearms—"Sale to Minors".* No person shall sell, exchange, give or loan to any person under the age of 16 years any spring back knife, gun, revolver, pistol or firearm of any description or any spring or airgun or other device designed or intended to discharge any pellets, or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.*

508–2. *Firearms—"Minors Possession of".* No person under the age of sixteen years shall have in his possession, care, custody or control any article or thing set forth in the preceding section.

750–1. *Permit from Chief of Police.* No person shall engage in the business of selling or otherwise transferring, or advertise for sale or transfer any pistol, revolver or other firearm capable of being concealed upon the person, without first obtaining a license from the Chief of Police. * * *.

Clovis

4–6.07. *Sale of firearms.* (a) No person who is engaged in the business of selling, leasing, or otherwise transferring, and no person who sells, leases, or otherwise transfers, either title to or possession of a pistol, revolver, or other firearm of a size capable of being concealed upon the person, shall sell, lease, or in any other way transfer title to or possession of such pistol, revolver or other firearm, or deliver the same pursuant to such sale, lease, or transfer, unless the person to whom the same is sold, leased, transferred, or delivered shall at the time exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such pistol, revolver, or firearm; nor shall any person not having such permit receive or accept delivery or transfer of possession of such pistol, revolver, or other firearm of a size capable of being concealed on the person.

(c) No person shall sell, exchange, give, loan, or otherwise dispose of to any person under the age of eighteen (18) years any spring-back knife, rifle, pistol, revolver, gun, slungshot, slingshot, or any firearm of any description using B-B pellets, bullets, or shots, or which expels a deadly or dangerous missile by spring, air, gas, or gunpowder, or any ammunition, cartridge, shell, or other device capable of being projected or projecting a missile, whether or not containing any explosive substance.**

Compton

3603. *Firearms—Sale to minors.* No person shall sell, exchange, give or loan to any person under 18 years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or device containing any explosive substance designed and intended for use in any weapons enumerated herein.**

3603.1 *Minors—Possession of.* No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

Contra Costa County

44–4.002 *Firearms—Possession by minors.* No minor under the age of sixteen years shall possess or use firearms of .22 calibre or greater or air guns except under the direct supervision and control of an adult.

44–4.008 *Firearms—Ammunition sale to minors.* No person shall sell or give to any minor under the age of sixteen years any ammunition capable of being used in any firearm, unless the minor is accompanied by a parent, legal guardian or adult authorized by the parent.*

Corona

4–4–1. *Minors, firearms, etc., sale, etc., to.* No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any airgun, "B-B gun", gas operated or spring gun, or any ammunition therefor, or any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle or any mechanical devices; or any instrument, toy, or weapon commonly known as a "slingshot", or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such intrument is called by any name set forth above or by any other name.

4–4–2. *Possession prohibited.* No person under the age of eighteen years shall have in his possession, care, custody or control any of the articles mentioned in Section 4–4–1 except within his own domicile or except when accompanied by and under the immediate supervision of a parent or guardian, or having in his possession written permission signed by such parent or guardian permitting him to have any of said articles in his possession.

Culver City

36–9. *Minors—Sale of firearms to.* It shall be unlawful for any person to sell, exchange, give or loan to any person under 18 years of age, any gun, revolver, pistol or firearm of any description, or any spring or air gun designed or intended to discharge, or capable of discharging, any dangerous missile.**

36–10. *Same—Possession of firearms.* No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding Section.

Daly City

16–5. *Firearms, explosives, cartridge or metallic caps—Sale, exchange, etc., to minors under eighteen years of age.* No person shall expose for sale, sell or offer for sale, barter or exchange or offer to barter or exchange to or with any minor under the age of eighteen years, any pistol or other firearm or any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap, whether loaded or not with ball.**

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

**NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

16-6. *Same—Possession by minors under eighteen years of age.* No person under the age of eighteen years shall have in his possession, expose, use or discharge any pistol or other firearm, or have in his possession any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap whether loaded with ball or not.

Downey

4112. *Weapons: Furnishing to minors.* Except as otherwise provided in Section 4114 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen (18) years, any springback knife, gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended to discharge, or capable of discharging any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.**

4113. *Minors. Possession.* Except as otherwise provided in Section 4114 hereof, no person under the age of eighteen (18) years shall fire, discharge, shoot, or operate, or have in his or her possession, care, custody, or control, any springback knife, gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm.

4114. *Exceptions.* Nothing in Sections 4112 or 4113 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in said Sections, nor to prohibit any such person under the age of eighteen (18) years from having in his or her possession, care, custody or control, any article mentioned in said Sections hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; * * *.*

Duarte

9.52.060 *Furnishing weapons to minors prohibited.* Except as otherwise provided in Section 9.52.090, it shall be unlawful in the city of Duarte for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.**

9.52.080 *Use or possession by minors prohibited.* Except as otherwise provided in Section 9.52.090, it shall be unlawful in the city of Duarte, for any person under the age of eighteen years to fire, discharge, shoot, or operate, or to assist or participate in the firing, discharging, shooting, or to have in his or her possession, care, custody or control, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

El Cajon

18-12. *Sale to minors.* No person shall sell within the city to any minor child any dart, arrow or sharp pointed missile, pistol, revolver, gun, rifle or any other firearm or device fired or discharged by explosives.**

El Cerrito

3501. *Sale of firearms to minors.* It shall be unlawful for any person to sell to any minor in the City of El Cerrito, or to allow any such minor to carry any firearm, or gun, or rifle or other gun or device discharging by the use of powder, air or springs, or any sling or sling-shot except when accompanied by parent or legal guardian; provided that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the Council.*

El Monte

12.3. *Permits required. a.-Permits shall be obtained:* (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

12.5. *General requirements. a.* The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, as herein defined, shall be prohibited unless such manufacture is authorized by the Chief of the Bureau of Fire Prevention. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

4250. *Firearm. Defined.* For the purposes of this Part, a firearm is defined as any object capable of discharging or projecting any missile, including but not limited to: shotgun, rifle, pistol, revolver, slingshot, air rifle, B-B gun, target pistol, target gun, nigger shooter, peashooter, tommy gun, wham-o gun, or any other similar device for the discharging or propelling of missiles capable of inflicting injury to person or property.

4251. *Same. Possession by minors prohibited.* No person under the age of 16 years shall own, possess, shoot, discharge, or use any firearm.

4252. *Same. Parental duty.* No parent, guardian, custodian or person in charge of any person under the age of 16 years shall permit any such person under the age of 16 years to own, possess or use any firearm.

4253. *Same. Sale to minors prohibited.* No person shall give, lend, sell, deliver, or transfer possession of any firearm to a person under the age of 16 years.*

Fontana

32-11. *Sale, etc., of weapons, ammunition, etc., to minors.* No person shall sell, exchange, give or lend to any person under eighteen years of age any snap-blade, spring-blade, or gravity knife, gun, revolver, pistol or firearm of any description or any spring or air gun or other device designed or intended to discharge any pellets, B-B shot, shot or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

No portion of this section shall prohibit the giving, lending or posession of any air rifle, pellet gun, rifle, shotgun or pistol, or any ammunition for such firearm, air rifle or pellet gun for the purpose as set forth in sections 32-1 and 32-7 nor prohibit the selling thereof for such purpose provided the minor has the written consent of a parent or legal guardian.*

Fremont

3-3100. *Sale of weapons to minors.* Except as otherwise provided in section 3-3103 of this Code, no person shall sell, give, loan, or in any way furnish to any person under the age of sixteen years, any gun, revolver, pistol, firearm, spring gun, air gun, B-B gun, sling, slingshot, bow and arrow, or other device designed or intended to discharge, or capable of discharging any dangerous missile.*

3-3101. *Sale of ammunition to minors.* Except as otherwise provided in section 3-3103 of this Code, no person shall sell, give, loan, or in any way furnish, to any person under the age of sixteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or other firearm.*

3-3102. *Possession and use of weapons by minors.* Except as otherwise provided in section 3-3103 of this Code, no person under the age of sixteen years shall fire, discharge, shoot, or operate, or participate in the firing, discharging, shooting, or operating, or have in his possession, care, custody, or control, any gun, revolver, pistol, firearm, spring gun, air gun, B-B gun, sling, slingshot, bow and arrow, or device designed or intended to discharge, or capable of discharging any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol, or other firearm.

3-3103. *Prohibition does not apply to licensed hunters.* Nothing in sections 3-3100, 3-3101 or 3-3102 of this Code shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing of any article mentioned in sections 3-3100 and 3-3102 of this Code, to any person under the age of sixteen years who is the holder of a valid hunting license issued to such person in accordance with the provisions of the Fish and Game Code of the state; nor prohibit any such licensee under the age of sixteen years from using or possessing any article mentioned in section 3-3102 of this Code. Nothing in this chapter shall be deemed or construed to prohibit any person under the age of sixteen years from firing, discharging, shooting, or operating any article mentioned in section 3-3102 of this Code, when such person is the holder of a valid state hunting license and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed, or is lawfully engaged in shooting at any inanimate target or trap-shooting device while accompanied by, and under the direct care and control of some responsible adult person, at an established shooting range with a safe background.*

Fullerton

7.20.010. *Firearms—Providing prohibited.* No person shall sell, exchange, give or loan any gun, revolver, pistol or firearms of any description, to any person under the age of eighteen years.

7.20.020. *Cartridge or shell—Providing prohibited.* No person shall sell, exchange, give or loan any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, containing any explosive, to any person under the age of eighteen years.*

---

*NOTE: Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

**NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

7.20.040. *Firearms—Possession by minor prohibited.* No person under the age of eighteen years shall have in his or her possession, care, custody or control any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device designated and intended for use in connection with any gun, revolver, pistol or firearm of any description containing any explosive.*

7.20.050. *Exceptions—Permit from police.* The provisions of this chapter shall not be applicable to sales, exchanges, gifts or loans to persons over the age of fourteen years and under the age of eighteen years who have secured a permit from the Chief of Police. * * *. *

Gardena

3-3.101. *Definitions.* For the purposes of this article, certain words and terms used herein are defined as follows: (a) "Firearm" shall include, but not be limited to, any gun, revolver, pistol, firearm, spring gun, air gun, gas gun, sling, sling shot, or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance, spring, or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm.

3-3.103. *Possession of firearms by minors.* No person under eighteen (18) years of age shall have in his possession, care, custody, or control any knife, any blade of which exceeds three (3") inches in length, or any snap-blade or spring-blade knife, regardless of the length of the blade, or any firearm.

3-3.104. *Furnishing firearms to minors.* It shall be unlawful for any person to sell, exchange, give, or loan to any person under eighteen (18) years of age any firearm.*

Glendale

11-10. *Firearms and weapons generally—Selling, lending, etc., to persons under eighteen years of age.* No person shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned in the city, any gun, revolver, pistol or firearm of any description to any person under the age of eighteen years.*

11-11. *Same—Selling, lending, etc., ammunition to persons under age of eighteen.* No person shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned in the city, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive, to any person under the age of eighteen years.*

11-13. *Same—Persons under age of eighteen not to possess firearms, ammunition, etc.* No person under the age of eighteen years shall have in his possession, care, custody or control in the city, any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

Hawaiian Gardens

3400. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Hawaiian Gardens for any person, firm or corporation to sell, give, lend or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.*

3401. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Hawaiian Gardens, for any person, firm or corporation, to sell, give, lent, or in any way furnished, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.*

3403. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Hawaiian Gardens the selling, giving, lending or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3400 and 3401 hereof; * * *.*

Hawthorne

8-302. *Firearms and ammunition to minors.* (a) Selling, etc. No person shall sell, exchange, give or loan any gun, revolver, pistol or other firearm, or any cartridge, shell, ammunition, or other device containing any explosive, or designed and intended for use in connection with any gun designed and intended to discharge any pellet, shot or other dangerous missile, to any person under the age of eighteen (18) years.*

(b) Possession, etc. No minor under the age of eighteen (18) years shall have in his possession, care, custody or control any gun, revolver, pistol, or other firearm, or any cartridge, shell, ammunition, or other device, containing any explosive, or designed and intended for use in connection with any gun, revolver, pistol or other firearm.

Hayward

3-4.00 *Dangerous weapon. Definition. Dangerous weapon shall mean and include:*

6. Any rifle, gun, pistol, revolver, air rifle, B-B gun, air gun, sling, sling shot, or other similar instrument or device designed or intended to discharge or capable of discharging a bullet shot, or other missile of any kind.

3-4.10 *Use, possession, discharge, sale of dangerous weapons.* Except as otherwise provided herein, it shall be unlawful for any person in the City to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

3-4.11 *Same. Exceptions.* Nothing in this Article shall be deemed or construed to prohibit the selling, giving, loaning or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision 6 of Section 3-4.00 * * *.*

Inglewood

5-19.1. *Firearm sale to minor prohibited.* It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen years of age, any spring-blade knife, gun, revolver, pistol or firearm of any description or any spring or air gun or other device designed or intended to discharge any B-B shot, shot or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, whether designed or intended for use in any weapons enumerated herein or not.*

5-19.2. *Firearm possession by minors prohibited.* It shall be unlawful for any person under 18 years of age to have in his possession, care, custody or control, any weapon or article designated in Section 5-19.1.*

Irwindale

4140. *Weapons. Sale to minors.* Except as otherwise provided in Section 4143 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.*

4141. *Ammunition. Sale to minors.* Except as otherwise provided in Section 4143 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm, except ordinary paper caps for toy cap guns.*

4142. *Weapons. Minors, possession and use prohibited.* Except as otherwise provided in Section 4143 hereof, no person under the age of eighteen years shall fire, discharge, shoot, or operate, or assist or participate in the firing, discharging, shooting, or operating, or have in his or her possession, care, custody, or control, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fire from any gun, revolver, pistol, or firearm.

4143. *Same. Same. Consent of parent.* Nothing contained in Sections 4140, 4141 or 4142 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in said sections; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 4142 in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; nor to prohibit any such person under the age of eighteen years from firing, discharging, shooting, or operating any article mentioned in Section 4142 when such person is accompanied by, and under the direct care and control of, some adult person and is engaged in hunting any wild game or predatory bird or animal, if any, which may be lawfully hunted and killed in said City, or is lawfully engaged in shooting at any inanimate target, or traoshooting device, while accompanied by, and under the direct care and control of, some such adult person.*

Isleton

42.1. *It shall be unlawful for any person,* firm, co-partnership, association or corporation to sell at retail within the Town of Isleton any pistol, revolver or other firearm capable of being concealed upon the person, as such firearms are defined by the terms of Chapter 339 of the Statutes of the State of

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

California of the year 1923, without first procuring from said Town of Isleton, a license so to do.

2–3. *No pistol or revolver shall be delivered* (a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Lakewood

3520. *Unlawful Sale, Gift or Furnishing.* Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, bows, arrows, or bows and arrows, or devices designed or intended to discharge or capable of discharging any dangerous missile.*

3520.1. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.*

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in said City of Lakewood the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, * * *.*

La Mesa

10.28.010. *Firearm defined.* As used in this chapter, the word "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive. The word "explosive" includes, but is not limited to, compressed air.

10.28.020. *Possession of firearm by infant.* No person under the age of eighteen shall be allowed to have in his possession within the city limits of the city of La Mesa any firearm presently capable of expelling a projectile.

La Mirada

9.40.010. Except as otherwise provided in Section 9.40.040 hereof, it shall be unlawful in the City of Mirada Hills for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile*

9.40.020. Except as otherwise provided in Section 9.40.040 hereof, it shall be unlawful in the City of Mirada Hills, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen years (18), any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.*

9.40.040. Nothing in Sections 9.40.010, 9.40.020, * * * shall be deemed or construed to prohibit in the City of Mirada Hills the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.40.010 and 9.40.020 hereof; * * *.*

La Puente

3.12.090 *Retail sale permit—Required.* No person shall sell at retail within the city, a pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the County Sheriff authorizing such persons to make such sale.

3.12.140 *Furnishing firearms to minors prohibited.* Except as otherwise provided in Section 3.12.170, it shall be unlawful in the City of La Puente for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished; to any person under the age of eighteen years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, or device designed or intended to discharge, or capable of discharging, any dangerous missile.*

3.12.150 *Furnishing ammunition to minors prohibited.* Except as otherwise provided in Section 3.12.170, it is unlawful in the city for any person, firm or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.*

3.12.160 *Possession of firing of firearm by minor prohibited.* Except as otherwise provided in Section 3.12.170, it is unlawful in the city for any person under the age of eighteen years to fire, discharge, shoot, or operate, or to assist or participate in the firing, discharging, shooting or operating, or to have in his or her possession, care, custody or control any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

3.12.170 *Exceptions from prohibition.* Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3.12.140 and 3.12.150, nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control, any article mentioned in Section 3.12.160 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.**

Long Beach

4180.4—*Same—Sale, gift or loan of firearms to*—No person, as principal, agent or otherwise, shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearm of any description to any person under the age of eighteen years.*

4180.5—*Same—Sale, etc., of BB shot and ammunition to persons under eighteen years of age*—No person as principal, agent or otherwise, shall sell, exchange, give or loan any BB shot, pellet, or other missile designed or intended for use in any spring gun, air gun, air pistol or other pistol or gun, or any cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol, or firearm of any description, to any person under the age of eighteen years.*

4180.7. *Possession by minor under eighteen of firearms, air guns or ammunition.* No person, as principal, agent or otherwise, under the age of eighteen years, shall have in his or her possession, care, custody or control, any gun, revolver, pistol, spring gun or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever.

Los Angeles

45.01. *Firearms—Knives—Sale to minors.* No person shall sell, exchange, give or loan to any person under 18 years of age any springback knife, gun, revolver, pistol or firearm of any description or any spring or airgun or other device designed or intended to discharge any pellets, B-B shot, shot or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.*

45.02. *Firearms — Minors — Possession of.* No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

103.314. *Sellers of concealable firearms:* (a) Definition. "Seller of Concealable Firearms" shall be any person who sells or offers for sale at retail any pistols, revolvers, or other firearms capable of being concealed upon the person, including any pistol, revolver or gun which detonates or fires an explosive compound in any manner and discharges or is capable of being altered so as to discharge a projectile.

(b) Permit required. No person shall engage in, conduct, manage, or carry on the business of seller of concealable firearms without a written permit from the Board.

(c) Fixed location. Each permittee must have a fixed place of business. Sales of concealable firearms may only be made at said fixed location.

Los Angeles County

1567–1. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of Los Angeles County, for any person, firm, or corporation, to sell, give loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.*

1567–2. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of said Los Angeles County, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any car-

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

tridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.*

1567-4. Nothing in this ordinance shall be deemed or construed to prohibit in said Los Angeles County the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Section 1 and 2 hereof; * * *.**

Los Gatos

17-13. *Sale to minors; possession and use by minors.* No person shall sell to any minor in the town under the age of sixteen years, and no person shall sell or give to any minor in the town under the age of eighteen years, without written consent of his parent or guardian, any rifle, gun, pistol, revolver, air rifle, B-B gun, or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected.**

Lynwood

22-38. *Furnishing ammunition to persons under eighteen.* Except as otherwise provided in this article, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish or to cause or permit to be sold, given, loaned or in any way furnished to any person under the age of eighteen (18) years any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.**

22-40. *Persons under eighteen possessing or discharging firearms and other weapons.* Except as otherwise provided in this article, it shall be unlawful in the city for any person under the age of eighteen (18) years to have in his possession, care, custody or control any firearm, air gun or spring gun, slingshot, sling or device designed or intended to discharge, or capable of discharging any dangerous missile, or any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any firearm.

22-41. *Parental consent for persons under eighteen.* Nothing in this article shall be deemed or construed to prohibit in the city the selling, giving, loaning or furnishing to any person under the age of eighteen (18) years upon the written consent of the parents or guardian of such person any article mentioned in this article, nor to prohibit any person under the age of eighteen (18) years from having in his possession, care, custody and control any weapon mentioned in this article in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some person over the age of twenty-one (21) years.**

Montclair

4-5.01. *Definitions.* For the purposes of this chapter, certain words and phrases used herein are defined as follows:

(a) "Firearm" shall mean and include, but shall not be limited to, any gun, revolver, pistol, firearm, spring gun, air gun, gas gun, sling, slingshot, or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance or spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm.

4-5.03. *Possession by minors.* No person under eighteen (18) years of age shall have in his possession, care, custody, or control any knife any blade of which exceeds three (3") inches in length, or any snap blade or spring blade knife regardless of the length of the blade, or any firearm.

4-5.04. *Sales to minors.* It shall be unlawful for any person to sell, exchange, give, or loan to any person under eighteen (18) years of age any firearm.*

Monterey Park

9.84.010 *Possession—by minor.* No person shall give, sell or loan to any person under the age of eighteen years, any firearm, spring gun, air rifle, sling shot or ammunition.*

9.84.020 *Possession—prohibited.* No person under the age of eighteen years, shall use or have in his possession any firearm, spring gun, air rifle, sling shot or ammunition within the city.

Monta Vista

1. *Definitions: firearms:* The words "Firearm" or "Firearms" as used in this Ordinance, includes, but is not limited to: any gun, revolver, pistol, firearm, spring gun, air gun, gas gun, sling, sling shot or defise, designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, shell, ammunition or device containing any explosive substance, spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol or firearm.

Deadly or dangerous weapon: The words "Deadly or Dangerous Weapon" as used in this ordinance, includes, but is not limited to: any dirk or dagger; any knife with a blade three (3") inches or more in length, any snapblade or springblade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight edge razor or any razor or other blade fitted to a handle; any dangerous or deadly weapon within the meaning of any law of the State of California restricting the use thereof; and any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm and any firearm.

3. *That no person under eighteen (18) years of age* shall have in his possession, care, custody or control, any knife, any blade of which exceeds three (3") inches in length; or any snap blade, or spring blade knife, regardless of the length of the blade, or any firearm or firearms.

4. *It shall be unlawful for any person to sell,* exchange, give or loan to any person under eighteen (18) years of age, any firearm or firearms as defined in Section 1 of this Ordinance.*

Norwalk

4302. *Miners, Selling or Giving Weapons to.* Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of 18 years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.*

4303. *Same, Providing Ammunition to.* Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.*

4305. *Same, Exception to.* Nothing in this Chapter shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of 18 years, upon written consent of the parent or guardian of such person, any article mentioned in Sections 4302 and 4303 hereof; * * *.**

Oakland

2-2.30. *Firearms and air rifles. Use or possession of by minors.* It shall be unlawful for any person to sell or give to any minor in the City of Oakland under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver, air rifle, B-B gun, or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.*

2-2.31. *Maxim silencers.* It shall be unlawful for any person to have in his possession any Maxim silencer to be used or that may be used on any firearm or any similar apparatus or device to be used or that may be used on any firearm.

Paramount

30-33. *Sale to minors.* Except as otherwise provided in section 30-36, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, spring gun, air gun, slingshot or device designed or intended to discharge, or capable of discharging, any dangerous missile.*

30-34. *Sale of ammunition to minors.* Except as otherwise provided in section 30-36, it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.*

30-36. *Exceptions to sections 30-33 to 30-35.* Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 30-33 and 30-34; nor to prohibit any such person under the age of eighteen years from having in his possession, care, custody or control any article mentioned in section 30-35 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; nor to prohibit any such person under the age of eighteen years from firing,

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

**NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

discharging, shooting, or operating any article mentioned in section 30–35 when such person is accompanied by, and under the direct care and control of, some adult person and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed in the city, or is lawfully engaged in shooting at any inanimate target, or trapshooting device, while accompanied by, and under the direct care and control of, some such adult person.**

Pico Rivera

3520. *Unlawful sale, gift or furnishing.* Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Pico Rivera for any person, firm, or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, bows, arrows, or bows and arrows, or devices designed or intended to discharge or capable of discharging any dangerous missile.*

3520.1. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Pico Rivera for any person, firm, or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile.

3520.3. Nothing in this chapter shall be deemed or construed to prohibit in said City of Pico Rivera the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, * * *.**

Piedmont

12.5. *Firearms, etc.—Sales or gifts to minors; use or possession by minors; exceptions.* It shall be unlawful for any person to sell or give to any minor in the city, under the age of eighteen years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver, air rifle, B-B gun, slingshot or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, however, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs or organizations and educational institutions authorized to give firearm instructions, while such firearms or other instruments are being used as a part of such instructions, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.*

Pittsburg

583.2. No person, firm or corporation shall sell, offer for sale, deliver, transfer, or give to any minor under the age of eighteen (18) years, nor shall such minor under the age of eighteen (18) years keep, carry or possess, any pistol, revolver, gun, rifle or other firearm or device, regardless of the length of the barrel thereof, discharging by the use of powder, air or springs, any bullet, shot or other object; provided that the provisions of this section shall not apply to the possession of firearms, or other such devices, by such minors under eighteen (18) years in duly licensed shooting galleries and/or on pistol and rifle ranges approved by the Chief of Police.*

Placentia City

(c) *It shall be unlawful to sell,* give away, barter, or trade, any gun, pistol, or firearms or any air gun or pistol or any spring gun or pistol or any device that shoots or propels pellets or missiles by any means, to any minor under the age of eighteen years without the written consent of the Police Department.*

(d) *It shall be unlawful to sell,* give away, barter, or trade any ammunition, pellets, missiles or any device used for shooting from pistols, guns or fire arms, or any spring-loaded gun or pistol or device that shoots or propels or missiles by any means to any person under the age of eighteen years without the written consent of the Police Department.**

(e) *It shall be unlawful for any parent,* juvenile, or any person, to transport or have shipped into the City of Placentia, any of the above-mentioned items for the use of any person under the age of eighteen years.

Redding

19.19. *Same—Sale of firearms thereto.* It shall be unlawful to expose for sale, sell, or offer for sale, barter or exchange, to or with any minor under the age of eighteen years, any pistol or other firearm, or any instrument capable of discharging any charge of powder, or other explosives, or any cartridge loaded with ball.*

Rosemead

3501. *Ammunition prohibited to minors.* Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Rosemead, for any person, firm, or corporation, to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.*

3500. *Firearms prohibited to minors.* Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Rosemead for any person, firm, or corporation, to sell, give, lend or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.*

3503. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Rosemead the selling, giving, lending, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 hereof; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 3502 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.*

Sacramento

48.7. *Purchase and sale of certain firearms.* It shall be unlawful for any person in the city to purchase any small firearm that may be concealed upon the person, without first procuring a written permit from the chief of police to do so.

It shall be unlawful for any person in the city to sell or dispose of any such small firearm to any person not holding such written permit, which permit shall be exhibited to the seller or dealer at the time the sale is made.

San Bernardino

1. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of 18 years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any air-gun, "B-B gun," gas-operated gun or spring gun, or any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle or other mechanical devices; or any instrument, toy or weapon commonly known as a "slingshot," or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.

2. No person under the age of 18 years shall have in his possession, care, custody or control any of the articles mentioned in Section One of this ordinance except within his own domicile or except when accompanied by and under the immediate supervision of a parent or guardian.

San Bernardino County

22.016 *Purchase of firearms.* No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any airgun, "B–B" gun, gas-operated gun or spring gun, or any knife or knives having the appearance of a pocketknife, the blade or blades of which can be opened by a flick of a button, pressure of the handle or other mechanical devices; or any instrument, toy or weapon commonly known as a "sling shot," or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name. Any such weapon possessed in violation of this chapter may be confiscated by any peace officer.*

San Bruno

16–6. *Firearms—Sale to and possession by minors.* (b) No person shall sell, deliver or transfer to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.*

San Carlos

7330. *Definition of "firearms."* Firearms is defined as a cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, "BB" gun, air gun, pellet gun, or any other weapon of similar nature designed to discharge a projectile by the expansion of a gas.

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

**NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

7335. *Sale of certain firearms prohibited to minors.* No person shall sell, deliver or transfer to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.*

San Diego County

21.1201. *License required.* It shall be unlawful for any person to sell at retail pistols, revolvers and other firearms capable of being concealed upon the person, and hereinafter referred to as concealable weapons, unless such seller has been issued a license by the Tax Collector of the County of San Diego as provided in this chapter.

21.1207. *Delivery of firearms.* No concealable weapon shall be delivered: (a) Within ten days of the application for the purchase thereof; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. When delivered, such concealable weapon shall be unloaded and securely wrapped.

San Dimas

22-1. *Sale of firearms to minors prohibited; exception.* Except as otherwise provided in this chapter (no person shall sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnish, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot or device designed or intended to discharge, or capable of discharging, any dangerous missile.*

22-2. *Sale of ammunition to minors prohibited; exception.* Except as otherwise provided in this chapter, no person shall sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnish, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.*

22-4. *Minors exempted from prohibitions under certain conditions.* Nothing in this chapter shall be deemed or construed to prohibit the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentitioned in sections 22-1 and 22-2; * * *.**

San Francisco, City and County of

521. *Sale of firearms and explosive cartridges to minors prohibited.* It shall be unlawful for any person or persons within the limits of the City and County of San Francisco to expose for sale, sell or offer for sale, barter or exchange, or offer to barter or exchange to or with any minor under the age of seventeen years any pistol or other firearm or any toy pistol or imitation of any pistol or firearm, or instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or cap, whether loaded or not with ball.*

613. *Regulating sale of concealed weapons.* It shall be unlawful for any person in the business of selling, leasing or otherwise transferring pistols, revolvers or other firearms of a size capable of being concealed on the person, to sell, lease or otherwise transfer such pistol, revolver or other firearm, unless the person to whom such sale, lease or transfer is made shall exhibit a permit issued by the Chief of Police of this city and county authorizing such person to purchase, lease or otherwise acquire such pistol, revolver or other firearm.

617. *Exceptions.* This section and Sections 612 to 616, inclusive of this Article, shall not apply to wholesale dealers, in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment to points outside the City and County of San Francisco.

San Jose

4258. *Selling pistol to minor.* No person shall sell, dispose of or give to any minor under the age of eighteen years, any pistol, air gun or other weapon capable of receiving and discharging any charge, cartridge or explosive without the written request of his parent or guardian; and no minor under the age of eighteen years shall have in his possession any such pistol or weapon unless by the written consent of his parent or guardian.*

San Leandro

4-1-100. No person shall within this City:

4-1-104. Sell, loan, or give any firearm or ammunition to any person under 18 years of age without his parents' prior written consent.*

4-1-105. Sell, loan, or give any firearms or ammunition to any person under 16 years of age.*

San Marino

14.3 *Firearms, Ammunition, etc.—selling, etc., to minors.* 1. Sale, etc., of firearms to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearms of any description to any person under the age of eighteen years.*

2. *Sale, etc., of ammunition to minors.* It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description, containing any explosive to any person under the age of eighteen years.

4. *Unlawful possession by minors.* It shall be unlawful for any person under the age of eighteen years to have in his possession, care, custody or control any gun, revolver, pistol, spring or BB or air gun or firearms of any description, or any cartridge, shell or other device containing any explosive or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description containing any explosive.

San Mateo County

3250.5. *Sale of certain firearms prohibited to minors.* No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a solid projectile propelled by the expansion of a gas.*

3255.0. *Portions of penal code adopted.* The provisions of Sections 12070-12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Santa Barbara

9.36.010. *Definitions.* For the purposes of this chapter the following words and phrases when used in this chapter shall have the meanings respectively ascribed to them by this section: (1) "Business" means retail and not wholesale business. (2) "Convicted" means entry of plea of guilty, or found guilty by court or jury. (4) "Firearms" means any gun, rifle, shotgun, pistol, revolver or any other device which projects a missile by an explosive type of ammunition, including but not limited to firearms capable of being concealed upon the person. (5) "Permit" means any permit issued under and as provided in this chapter. (6) "Permittee" means any person issued a permit under the provisions of this chapter.

9.36.040. *Certain persons not permitted to sell, transfer, etc.* No permittee under this chapter shall permit anyone, to whom the transfer of any firearm is prohibited, to sell, deliver, lease, rent or in any manner transfer any firearm.

9.36.090. *Delivery of firearms to minors prohibited.* No person engaged in the business of selling or otherwise transferring firearms shall sell, deliver, lease, rent or in any manner transfer, furnish, give or cause to be sold, delivered, leased, rented, transferred, furnished or given any firearm to any person under the age of eighteen years. Members of businessman's immediate family are excepted.*

9.36.130. *Sale of ammunition to certain persons prohibited—Exception.* No person, whether or not such person is engaged in the business of selling ammunition for firearms, shall sell ammunition for any firearm to any person to whom the sale or transfer of any firearm using such ammunition is prohibited under this chapter. Minors with written consent of their parent or legal guardian are excepted.*

9.36.160. *Dealings without permit prohibited.* No person without holding a current permit as provided in this chapter shall engage in the business of selling or otherwise transferring or advertising for the sale of any firearms.

Santa Clara

18-26 *Pistol, air guns, etc.—Sale to minors without request of parent prohibited.* It shall be unlawful within the city for any person to sell, dispose of or give to any minor under the age of eighteen (18) years, any pistol, airgun or other weapon capable of receiving and discharging any charge, cartridge or explosive without the written request of his parent or guardian.*

Santa Fe Springs

1567. *Sale to minors.* No person shall give, sell or loan to any person under the age of eighteen years, any gun, firearm, spring gun, air rifle, slingshot or ammunition.

1568. *Possession, use and sale of firearms, slingshots, ammunition, etc., permitted with consent and supervision of parents.* Nothing in section * * * 1567 shall be deemed or construed to prohibit any of the following: (a) The selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in section 1567.*

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

**NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

Santa Maria

17–8. *Firearms—Sales to or possession by minors.* It shall be unlawful for any person to sell to any minor in the city or to allow any such minor, or for any minor to carry, unless in a suitable case or securely wrapped, any firearm or gun, or rifle or other gun or device discharging by the use of powder, air or springs, any bullet or shot of any kind, or to carry any sling or slingshot, except when accompanied by parent or legal guardian; provided, that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the council.

Santa Monica

3505. *Retailer's permit for the Sale of Certain Firearms.* No person shall sell at retail within the City any pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the Chief of Police authorizing such person to make such sale.

3509. *Firearms, knives, and other devices. Sale to minors.* No person shall sell, exchange, give, or loan to any person under 18 years of age any spring-back knife, gun, revolver, pistol, or firearm of any description or any spring or airgun or any sling or slingshot or other device designed or intended to discharge or propel any pellets, B-B shot, shot, or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.*

3510. *Same. Possession by Minors.* No person under 18 years of age shall have in his possession, care, custody, or control any article or thing mentioned in the preceding section.

3511. *Same. Exceptions.* It is the intent of the preceding sections to absolutely prohibit the sale or exchange to, and the possession by a person under the age of 18 years of, any of the articles or things mentioned therein. Provided, nothing in these sections shall be construed to prohibit any person under the age of 18 years from having in his possession or using any article or device described in Section 3509 when it is with the consent of a parent or guardian for the purpose of lawfully engaging in contests or games of skill and lawfully shooting at targets upon established target ranges, whether public or private, while such person is using such article or device upon such target ranges, or while going to and from such ranges and, provided further, that such person is accompanied by and under the direct care and control of some person over the age of 21 years.

South Lake Tahoe

18–13. *Definitions.* For the purposes of this article, the term "dangerous weapon" shall mean and include: (f) Any rifle, gun, pistol, revolver, air rifle, B-B gun, air gun, slingshot, or other similar instrument or device designed or intended to discharge or capable of discharging a bullet, shot, or other missile of any kind.

18–16. *Use, possession, discharge, sale of dangerous weapons.* Except as otherwise provided in Sec. 18–17, it shall be unlawful for any person to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon. For the purposes of this article only, a minor is a person who is under the age of 18 years.

18–17. *Exceptions.* Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision (f) of Sec. 18–13; nor to prohibit such minor from using or having in his possession, care, custody, or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some person over the age of 21 years.*

Stockton

4–044. *Sale of firearms and/or ammunition to minors:* It shall be unlawful, in the City of Stockton, to sell firearms and/or ammunition of any kind to minors under the age of fourteen (14) years, unless accompanied by parent or guardian.**

4–045. *Sale of concealed firearms:* It shall be unlawful to sell pistols, revolvers, or other firearms capable of being concealed upon the person, at retail, within the City of Stockton, without a license * * *.

4–046. *License to sell:* The City Manager is hereby authorized to issue licenses to sell, at retail, within the City of Stockton, pistols, revolvers, and other firearms capable of being concealed upon the person. Such licenses shall be issued in the form prescribed by the Attorney General and shall be effective for not more than one year from date of issue.

4–046.1 *License*—Chief of police to approve: The said licenses shall be issued only after a report in writing concerning said prospective licensee has been made by the Chief of Police to the City Manager. Said licenses shall not be issued to any person who: (a) Has been convicted of a felony and has served a term of imprisonment therefor in a State or Federal prison, (b) Has been convicted of any violation of the Dangerous Weapons Control Law of the State of California, or (c) Is not of good moral character.

Temple City

3500. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Temple City for any person, firm or corporation, to sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile.*

3501. Except as otherwise provided in Section 3503 herein it shall be unlawful in the City of Temple City, for any person, firm or corporation, to sell, give, lend, or in any way furnish or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.*

3502. Except as otherwise provided in Section 3503 hereof it shall be unlawful in said City of Temple City, for any person under the age of eighteen (18) years to fire, discharge, shoot or operate, or to assist or participate in the firing, discharging shooting, or operating, or to have in his or her possession, care, custody or control, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any exploding substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm.

3503. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Temple City the selling, giving, lending or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 hereof;*

Thousand Oaks

3–17.06. *Prohibited sales, trades, exchanges, or bartering.* No person, firm, or corporation at any swap meet, whether they be the operator or an exhibitor or any other person or entity, shall sell, exchange, display, offer for sale or exchange or barter at any swap meet any of the following items of personal property: * * *

(b) Any hand gun, rifle, shot gun, or other type of firearm by whatever name, or any deadly weapon;

(c) Any flammable liquids, including but not limited to gasoline, kerosene, acetone, thinners, and solvents; ammunition, blasting agents, liquid petroleum gases or other combustible gases; any type of fireworks, explosives, acids, caustics, or oxidizing agents.

Torrance

45.3.6. *Firearms, air guns, etc. in possession of minors.* It shall be unlawful for any person under the age of eighteen (18) years of age to have in his possession, custody or control, within the corporate limits of the City, any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

Union City

9.72.010 *Dangerous weapon defined.* "Dangerous weapon" means and includes: F. Any rifle, gun, pistol, revolver, air rifle, B–B gun, air gun, sling, sling shot or other similar instrument or device designed or intended to discharge or capable of discharging a bullet, shot or other missile of any kind.

9.72.020 *Use, possession, discharge or sale.* Except as otherwise provided in this chapter it is unlawful for any person in the city to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

9.72.030 *Exceptions.* Nothing in this chapter shall be deemed or construed to prohibit the selling, giving, loaning or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in Section 9.72.010; nor prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined in the event that such possession, care, custody,

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

**NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some adult person; nor to prohibit any minor from using or having in his possession or control any dangerous weapon which is in good faith in his possession or control or use for his lawful occupation or employment or for the purpose of lawful recreation. * * *

Upland

4270.1. *Firearms defined.* The words "Firearm" or "Firearm" as used in this Part, includes, but is not limited to: any gun, revolver, pistol, firearm, spring gun, air gun, gas gun, sling, sling shot or device, designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, shell, ammunition or device containing any explosive substance, spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol or firearm.

4270.2. *Deadly or dangerous weapons defined.* The words "Deadly or Dangerous Weapon" as used in this Part, includes, but is not limited to: any dirk or dagger; any knife with a blade three inches or more in length, any snapblade, gravity or spring-blade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight edge razor or any razor or other blade fitted to a handle; any dangerous or deadly weapon within the meaning of any law of the State of California restricting the use thereof; and any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm and any firearm.

4270.4 *Minors. Possession of firearms, knives, etc.* That no person under eighteen years of age shall have in his possession, care, custody or control, any knife, any blade of which exceeds three inches in length; or any snapblade, gravity, or spring blade knife, regardless of the blade, or any firearm or firearms.

4270.5. *Minors. Giving firearms, etc., prohibited.* It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen years of age, any firearm or firearms as defined in Section 4270.1 of this Part.**

4270.10. *Exceptions.* The aforegoing shall not apply or be deemed to apply in the following cases:

(a) When the firearm or weapon is in the possession of any peace officer for use in the enforcement of law;

(b) When the firearm or weapon is in the possession of a person who has a valid permit to possess and carry the same issued by a duly authorized governmental authority;

(c) When any such firearm is being used at or in connection with the operation of any lawful pistol or rifle range in accordance with rules and regulations approved by the Chief of Police of the City of Upland, or the City Council of said City, and

(d) In the case of ordinary rifles, shotguns, tools or sports equipment possessed or carried in good faith for uses of honest work, trade or business or for the purpose of legitimate game hunting, sport or recreation.

Walnut Creek

3-6.04. *Sale of weapons to minors.* It shall be unlawful for any person to sell to any minor under eighteen (18) years of age, or to allow any such minor to carry ammunition for, any firearm, gun, rifle, or other gun or device discharging by the use of powder, air, or springs, or any sling or slingshot, except when accompanied by an authorized person over eighteen (18) years of age; provided, however, that the provisions of this chapter shall not apply to the possession of such firearms, or other instruments or ammunition therefor, by such minors in bona fide shooting galleries, or on a pistol and rifle range, the locations of which have been approved by the Council.**

West Covina

4402. *Providing minors with firearms unlawful.* No person shall sell, exchange, give or loan to any person under eighteen years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other devise containing any explosive device designed and intended for use in any of the weapons enumerated herein.**

4403. *Possession of firearms by minor prohibited.* No person under eighteen years of age shall have in his possession, care, custody or control any article or thing mentioned in Section 4402 hereof.

Westminster

3700.8 *Sale, etc. of bb shot and ammunition to persons under eighteen years of age.* No person as principal, agent or otherwise shall sell, exchange, give or lend any BB shot, pellet or other missile designed or intended for use in any spring gun, air gun, air pistol or other pistol or gun, or any cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol or firearm of any description, to any person under the age of eighteen (18) years of age without the consent of the parent or guardian of said minor under the age of eighteen (18) years.*

3700.9. *Sale, etc. of air gun to minor under eighteen.* No person, as principal, agent or otherwise, shall sell, exchange, give or lend or cause or permit to be sold, exchanged, given or lent any spring gun or air gun, or other gun designed or intended to discharge any shot or dangerous or deadly missile, to any person under the age of eighteen (18) years, without the consent of the parent or guardian of said minor under the age of eighteen (18) years.*

3700.10 *Possession by minor under eighteen of firearms, air guns or ammunition.* No person, as principal, agent or otherwise, under the age of eighteen (18) years, shall have in his or her possession, care, custody or control any gun, revolver, pistol, spring gun, air gun or firearm of any description, or any cartridge shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever without the express consent of the parent or guardian of said minor under the age of eighteen (18) years.

Whittier

4260.12. *Minors—Firearms, etc., selling, etc., to prohibited.* No person shall sell, give, loan or in any manner furnish or cause or permit to be sold, given, loaned, or furnished to any person under the age of eighteen years any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed or intended to discharge or capable of discharging any dangerous missile. The provisions of this Section shall not apply to the loan or use of firearms to such persons for use on a permitted range or shooting gallery in connection with any firearms training program sponsored by the City or any of its departments.**

4260.12(a). *Same—Ammunition, explosives, etc., selling to prohibited.* No person shall sell, give, loan or in any manner furnish or cause to be furnished to any person under the age of eighteen years any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.**

4260.12(b). *Same—Possession of—Prohibited.* No person under the age of eighteen years shall have in his possession, care or control any gun, revolver, pistol, firearm, spring gun, air gun or similar device, except as provided in this Part.

COLORADO

State Law

COLO. REV. STATS.

40-12-101. *Definitions.* (1) The following definitions apply to this article: (a) "Blackjack" includes any billy, sand club, sand bag, or other hand-operated striking weapon consisting, at the striking end of an encased piece of lead or other heavy substance, and at the handle end, a strap or springy shaft which increases the force of impact.

(b) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon.

(c) "Short rifle" means a rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches.

(d) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

(e) "Gas gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device, and includes projectiles designed for use in such a device.

(f) "Bomb" means any explosive or incendiary device or molotov cocktail as defined in section 53-7-3, C.R.S. 1963, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(g) "Machine gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(2) The provisions of this article shall not be held to prohibit any act by a peace officer in the lawful discharge of his duties.

40-12-102. *Possessing an illegal weapon.* (1) As used in this section, the term "illegal weapon" means a blackjack, bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle, metallic knuckles, gravity knife, or switchblade knife.

(2) A person other than a peace officer or member of the armed forces of the United States or Colorado national guard acting in the lawful discharge of his duties, or a person who has a valid permit and license pursuant to federal code for such weapon, commits a class 1 misdemeanor if he knowingly possesses an illegal weapon.

40-12-103. *Possession of a defaced firearm.* A person commits a class 3 misdemeanor if he knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

**NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

identification mark, has been removed, defaced, altered, or destroyed.

40–12–106. *Prohibited use of weapons.* (1) A person commits a class 2 misdemeanor if: (d) He has in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under 40–12–105(2)(c), is no defense to a violation of this subsection.

40–12–108. *Possession of weapons by previous offenders.* Any person previously convicted of bulary, arson, or a felony involving the use of force or violence or the use of a deadly weapon, or attempt or conspiracy to commit such offenses, under the laws of the United States of America, the state of Colorado, or another state, within the ten years next preceding or within ten years of his release from incarceration, whichever is greater, who shall possess, use, or carry upon his person a firearm or other weapon mentioned in sections 40–12–101 to 40–12–106, commits a class 5 felony. A second or subsequent offense under this section is a class 4 felony.

53–4–1. *Insurrection — firearms prohibited.*—Whenever in the opinion of the governor a condition of riot, insurrection or invasion exists in this state, or in any county, city, town, or district in this state, he shall have the right to declare the state or any such county, city, town, or district, to be in a state of riot, or insurrection, or invasion, by proclamation, and to prohibit the purchase, manufacture for sale or use, receiving, carrying or use, or the selling, giving away, transportation, or otherwise disposing of, or the permitting of others to obtain possession of, any firearms or ammunition in the places covered by said proclamation or in any other portion of the state designated by him during the time that said proclamation remains in force.

53–4–2. *Permit to bear arms.*—If the governor at any time shall issue his proclamation as provided in section 53–4–1, declaring the state, or any county, city, town, or district within the state to be in a state of riot, or insurrection, or invasion, it shall be unlawful while said proclamation is in force, for any person, firm or corporation within the territory covered by said proclamation to purchase, manufacture for sale or use, receive, transport, carry or use, any firearm or ammunition, or to sell, give away, or otherwise dispose of, or permit others to obtain possession of any firearm or ammunition, without a written permit from the governor or his regularly authorized representative. No permit shall be issued by the governor or his representative unless and until the person so desiring such permit shall satisfy the governor or his representative that the same is to be used in defense of his home, person or property. This section shall not apply to legally authorized peace officers, or sheriffs, designated by the governor or his representative, or members of the national guard of Colorado. No permit shall be issued to allow the purchase, manufacture for sale or use, receipt, use, transportation or disposing of firearms or ammunition by anyone not a citizen of the United States or to anyone who has not been a resident of the state of Colorado for more than one year prior to the issuance of the proclamation mentioned in section 53–4–1.

53–6–3. *Declaration of policy—residents.*—(1)(a) It is hereby declared by the general assembly that it is lawful for a resident of this state, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restriotions and requirements: (b) The sale must fully comply with the legal conditions of sale in both such contiguous states.

(c) The purchaser and the licensee must have, prior to the sale or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) of the federal "Gun Control Act of 1968", applicable to interstate transactions other than at the licensee's business premises.

Aurora

10–3–2. *Sale of weapons.* It shall be unlawful for any person to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.*

Boulder

36–11. *Sales, etc., to drunkards, drug addicts and minors.* It is unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.*

Brighton

7–445. *Unlawful to sell weapons to intoxicated persons.* It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon designated in Sections 7–441 or 7–444 to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation or excitability, or to any minor.*

Colorado Springs

G. *Selling weapons to intoxicated persons or minors*—It shall be unlawful for any person to purchase, sell, loan, or furnish any dangerous or deadly weapon to any person intoxicated or under the influence of alcohol or any narcotic or dangerous drug or glue, or to any person in a condition of agitation and excitement, or to any minor under the age of eighteen (18) years.*

Commerce City

14–112. *Furnishing to certain persons prohibited.* It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.*

Cortez

11–6–6. *Unlawful to sell weapons to intoxicated persons.* A. It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years.*

Creede

10–5–18. *Selling weapons to intoxicated persons.* (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm to which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.*

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Creede, Colorado to such person, firm or corporation.

Denver, City and County of

.7. *Identification and records concerning sales, etc.* .7–1. Every person who sells, rents, or exchanges at retail any weapon designated in Sections 845.1 or 845.6 of this Code shall require the vendee, lessee, or person with whom such exchange is made to furnish more than one type of identification before such sale, rental, or exchange is consummated.

.7–3. It shall be unlawful for any person who purchases, rents, or exchanges any weapon designated in Section 845.1 or 845.6 of this Code to give a false or fictitious name, or any other false, fraudulent, or incorrect information to the person from whom such weapon is purchased, or rented, or with whom such weapon is exchanged at the time such purchase, rental, or exchange is made.

.8. *Unlawful to sell weapons to intoxicated persons or minors.* .8–1. It shall be unlawful for any person to sell, loan, or furnish any instrument or weapon designated in Sections 845.1 or 845.6 of this Code to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

.10. *Incendiary or explosive device.* .10–1. For the purposes of this Section 845.10, an incendiary or explosive device shall include, but not by way of limitation, any device consisting in whole or in part of flammable material or other material having the capability of exploding, igniting, or burning.

.10–3. It shall be unlawful for any person to prepare or to assist in the preparation of an incendiary or explosive device; to possess, handle, store, transport, or sell any such device, knowing the same is to be thrown, placed, or caused to be placed for the purpose of causing injury to any person, or damage to property.

Edgewater

.6. *Unlawful to sell weapons to intoxicated persons.* .6–1. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon designated in Section 846.4 of 846.1–1 to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.*

Englewood

11–3–4. *Certain sales prohibited.* It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation or excitability, or to any minor under the age of 18 years.*

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

Grand Junction

19-60. *Furnishing to intoxicated persons.* No person shall, directly or indirectly, sell, barter, loan or deliver any deadly or dangerous weapon to any drunk or intoxicated person.

Greeley

15-47. *Possessing an illegal weapon.* (a) As used in this section, the term "illegal weapon" means a blackjack, bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle, metallic knuckles, knife, gravity knife, or switchblade knife.

(b) A person other than a peace officer or member of the armed forces of the United States or Colorado National Guard commits the violation of this section if he knowingly possesses an illegal weapon.

15-48. *Possession of a defaced firearm.* A person commits a violation of this section if he knowingly possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered or destroyed.

15-51. *Using weapon in a prohibited manner.* (a) A person commits a violation of this section if: * * * (4) He has in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug.

15-52. *Definitions.* (a) The following definitions apply to this division: (1) *Blackjack* includes any bill, sand club, sand bag, or other hand-operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance, and at the handle end, a strap or springy shaft which increases the force of impact.

(2) *Firearm silencer* means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon.

(3) *Short rifle* means a rifle having a barrel less than sixteen (16) inches long, or an overall length of less than twenty-six (26) inches.

(4) *Short shotgun* means a shotgun having a barrel or barrels less than eighteen (18) inches long or an overall length of less than twenty-six (26) inches.

(5) *Gas gun* means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device, and includes projectiles designed for use in such a device.

(6) *Bomb* means any explosive or incendiary device or Molotov cocktail which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(7) *Machine gun* means any firearm, whatever its size and usual designation, that shoots automatically more than one (1) shot, without manual reloading, by a single function of the trigger.

Las Animas

23-6. *Sale, rental, etc., of firearms to certain persons prohibited.* It shall be unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability. Further, such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by the city to such person.

Littleton

26.6 *Sale, etc., of firearms to certain persons prohibited.* It shall be unlawful for any person to purchase for or to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.*

Pueblo

11-1-35. *Firearms; sale; etc. to minors; consent.* It shall be unlawful for any person to sell, give or loan to any minor under the age of eighteen years of age any type of firearms or ammunition whatsoever without first contacting the parent or parents or the legal guardian of such minor and obtaining from such parent or parents or the legal guardian written consent to such gift, sale, or loan; provided, however, where a minor has been emancipated by law or marriage it shall be sufficient, upon proper showing mode, for the Chief of Police to authorize such sale, gift or loan.**

CONNECTICUT

State Law

CONN. GEN. STATS. ANN. TITLE 29

29-27. *"Pistol" and "revolver" defined.* The term "pistol" and the term "revolver," as used in sections 29-28 to 29-38, inclusive, mean any firearm having a barrel less than twelve inches in length.

29-28. *Permit for selling or carrying pistols or revolvers.* No person shall advertise, sell, deliver, or offer or expose for sale or delivery, or have in his possession with intent to sell or deliver, any pistol or revolver at retail without having a permit therefor issued as hereinafter provided. The chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, as the case may be, may, upon the application of any person, issue a permit in such form as may be prescribed by the commissioner of state police for the sale at retail of pistols and revolvers within the jurisdiction of the authority issuing such permit. Upon the application of any person having a bona fide residence or place of business within the jurisdiction of any such authority or upon the application of any bona fide resident of the United States having a permit or license to carry any firearm issued by the authority of any state or subdivision of the United States, such chief of police, warden or selectman may issue a permit to such person to carry a pistol or revolver within the jurisdiction of the authority issuing the same, provided such authority shall find that such applicant intends to make no use of any pistol or revolver which he may be permitted to carry thereunder other than a lawful use and that such person is a suitable person to receive such permit. Said commissioner may, upon application, issue, to any holder of any such permit, a permit to carry a pistol or revolver within the state. Each permit to carry any pistol or revolver shall be issued in triplicate and one of the copies issued by said commissioner shall be delivered to the person to whom issued, one shall be delivered forthwith to the authority issuing the local permit and one shall be retained by said commissioner, and the local authority issuing any such permit shall forthwith deliver one of such copies to the person to whom issued and one copy to said commissioner and shall retain one of such copies. No permit for carrying a pistol or revolver shall be issued to an alien under the provisions of this section.

29-28a. *Application for permit. Notice of decision to applicant.* (a) Requests for permits under section 29-28 shall be submitted to the issuing authority on application forms prescribed by the commissioner of state police. Upon written request by any person for a permit not on a prescribed application form, or upon request by any person for such application form, the issuing authority shall supply such forms. When any such request is made in person at the office of the issuing authority, the authority shall supply such application form immediately. When any such request is made in any other manner, the authority shall supply such application form not later than one week after receiving such request. If such application form is not supplied within the time limited by this section, the request therefor shall constitute a sufficient application. (b) The issuing authority shall, not later than six weeks after a sufficient application for a permit has been made, inform the applicant that his request for a permit has been approved or denied.

29-31. *Display of permit to sell. Record of sales.* No sale of any pistol or revolver shall be made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where pistols or revolvers are sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser or person to whom the same is to be delivered is personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made provides evidence of his identity. The vendor of any pistol or revolver shall keep a record of each pistol or revolver sold in a book kept for that purpose, which record shall be in such form as is prescribed by the commissioner of state police and shall include the date of the sale, the caliber, make, model and manufacturer's number of such pistol or revolver and the name, address and occupation of the purchaser thereof, and shall be signed by the purchaser and by the person making the sale, each in the presence of the other, and shall be preserved by the vendor of such pistol or revolver for at least six years.

29-33. *No sale to aliens. Application to purchase. Waiting period.* No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien. No person, firm or corporation shall deliver any pistol or revolver at retail except upon written application on a form prescribed and furnished by the commissioner of state police, in triplicate, one copy of which shall be mailed by first class mail on the day of receipt of such application to the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be, and to the commissioner of state police, and no sale or delivery of any pistol or revolver shall be made until the expiration of one week from the date of the mailing of such copies. Any such municipal authority or said commissioner, having knowledge of the conviction of such applicant of a felony, shall forthwith notify the person,

*NOTE: Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

**NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

firm or corporation to whom such application was made and no pistol or revolver shall be by him or it sold or delivered to such applicant. When any pistol or revolver is delivered in connection with the sale or purchase, such pistol or revolver shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no pistol or revolver when delivered on any sale or purchase shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell. Upon the delivery of any pistol or revolver, the purchaser shall sign in quadruplicate a receipt for such pistol or revolver which shall contain the name, address and occupation of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. Two of such quadruplicate receipts shall, within twenty-four hours thereafter, be mailed by first class mail by the vendor of such pistol or revolver to the commissioner of state police and one to the authority issuing the permit for the sale of such pistol or revolver and the other, together with the original application, shall be retained by such vendor for at least six years. The waiting period herein specified during which delivery may not be made shall not apply to the holder of a valid state permit to carry pistols and revolvers, nor to any federal marshal, sheriff, parole officer or peace officer. The provisions of this section shall not apply to antique pistols or revolvers. An antique pistol or revolver, for the purposes of this section, means any pistol or revolver utilizing an early type of ignition, including but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

29–34. *False information. Sale to minors prohibited.* No person shall make any false statement or give any false information connected with any purchase, sale or delivery of any pistol or revolver, and no person shall sell, barter, hire, lend, give or deliver to any minor under the age of eighteen years any pistol or revolver.*

29–36. *Altering or removing identification mark.* No person shall alter, remove or obliterate the name of any maker or model or any maker's number or other mark of identification on any pistol or revolver. The possession of any pistol or revolver upon which any identifying mark, number or name has been altered, removed or obliterated shall be prima facie evidence that the person owning or in possession of such pistol or revolver has altered, removed or obliterated the same.

29–38a. *Out-of-state purchase or acquisition of rifles or shotguns.* (a) For the purposes of the federal gun control act of 1968, Public Law 90–618, 18 U.S.C. 921 et seq., and any applicable law of this state, any applident in this state, including a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise receive a delivery of a rifle or shotgun in the states of New York or Rhode Island or in the Commonwealth of Massachusetts, unless such purchase or receipt of delivery violates any applicable law of this state, any applicable law of the state in which such purchase or receipt of delivery takes place, or any applicable provision of said gun control act of 1968, as amended.

(b) Nothing in subsection (a) of this section shall be deemed to deprive any such resident of this state of any rights granted to such resident under title 18 U.S.C. section 922(a)(5), section 922(b)(3)(B) or section 922(b)(3)(C).

CONN. GEN. STATS. ANN. TITLE 53

53–202. *Machine guns.* (1) "Machine gun," as used in this section, shall apply to and include a weapon of any description, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically, discharged from a magazine, by a single function of the firing device. "Crime of violence," as used in this section, shall apply to and include any of the following-named crimes or an attempt to commit any of the same: Murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny. (2) Any person who possesses or uses a machine gun in the perpetration or attempted perpetration of a crime of violence shall be imprisoned not more than twenty years. (3) Any person who posseses or uses a machine gun for an offensive or aggressive purpose shall be imprisoned not more than ten years. (4) The possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose: (a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun was found; or (b) when in the possession of, or use by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any state or federal court of record of the United States of America, its territories or insular possessions; or (c) when the machine gun is of the kind described in subsection (7) hereof and has not been registered as therein required; or (d) when empty or loaded pistol shells of thirty (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof. (5) The presence of a machine gun in any room, boat or vehicle shall be presumptive evidence of the possession or use of the machine gun by each person occupying such room, boat or vehicle. (6) Each manufacturer shall keep a register of all machine guns manufactured or handled by him. Such register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of each machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered. Upon demand, any manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, and parts and supplies therefor, and shall produce the register, herein required, for inspection. Any person who violates any provision of this subsection shall be fined not more than two thousand dollars. (7) Each machine gun in this state adapted to use pistol cartridges of thirty (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the commissioner of state police within twenty-four hours after its acquisition and, thereafter, annually, on July first. Blanks for registration shall be prepared by said commissioner and furnished upon application. To comply with this subsection, the application as filed shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person who fails to register any gun as required hereby shall be presumed to possess the same for an offensive or aggressive purpose. The provisions of this subsection shall not apply to any machine gun which has been registered under the provisions of subsection (6) and which is still in the actual possession of the manufacturer. * * * (9) No provision of this section shall apply to the manufacture of machine guns for sale or transfer to the United States government, to any state, territory or possession of the United States or to any political subdivision thereof or to the District of Columbia.

East Haven

D. No person, persons, firm, or corporation shall sell or expose for sale any blank pistol or any other pistol in the Town of East Haven.

New Haven

18–12. *Firearms and ammunition; sales to children.* No person shall sell to any child under the age of sixteen (16) years, without the written consent of the parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol, or other mechanical contrivance arranged for the explosion of such cartridge, or of any fulminate.*

Seymour

13–7. *Same—Sale to children prohibited.* It shall be unlawful and is hereby prohibited for any person or persons, firm, corporation or association to sell or offer for sale to any person under the age of sixteen (16) years any air gun or rifle or pistol, B-B gun, spring gun or pistol, or rifle, or any other implement which impels with force a pellet of any kind or any gun or rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder, or other chemical propellant which such devices are generally known as firearms, within the limits of the Town of Seymour.*

13–8. *Same—Ownership, possession, use by children prohibited; exception.* It shall be unlawful and is hereby prohibited for any person or persons, under the age of sixteen (16) years to own, possess, use or carry any air gun or rifle or pistol, B-B gun, spring gun or rifle or pistol, or any other implement which impels with force a pellet of any kind or any gun, rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder or other chemical propellant which such devices are generally known as firearms, within the limits of the Town of Seymour.

Provided, however, that a person under sixteen (16) years of age can have the use of a rifle or other device described in this section, provided they are with their parents or guardians and under their supervision.

DELAWARE

State Law

DEL. CODE ANN. TITLE 11

464. *Possession or sale of spring or air weapon or silencer; exceptions.* (a) Whoever owns, possesses, sells, or in any manner has control of—

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

(3) any device, including what is commonly known as a maxim silencer, which may be attached to any weapon or firearm for the purpose of silencing or making less audible the sound of the discharge or firing thereof, shall be fined in such amount or imprisoned, for such term, or both, as the court, in its discretion, may determine.

(d) No child under 16 years of age shall have possession of any firearm or what is commonly known as a B.B. or air rifle or the shot therefor unless under the direct supervision of a full adult. The parents or the legal guardian of a child violating the provisions of this subsection shall be fined an amount not to exceed $25 and shall be held financially liable for any property damage or physical injury that occurs as the result of such violation.

(e) Subsections (c) and (d) of this section shall apply only to New Castle County. As amended 52 Del. Laws, Ch. 33, eff. May 5, 1959.

465. *Possession, test firing and transportation of machine gun; exceptions.* (a) Whoever, other than the state military forces or duly authorized police departments, has a machine gun in his possession within this State, is guilty of a felony and shall be fined in such amount or imprisoned for such term, or both, as the court, in its discretion, may determine; provided, however, that the provisions contained herein shall not apply to persons possessing machine guns for scientific or experimental research and development purposes, which machine guns have been duly registered under the provisions of the National Firearms Act of 1968. A copy of said registration shall be kept with any such machine gun and shall be made available for inspection by federal, state and local law-enforcement officers upon request.

(b) A machine gun shall be defined as any firearm actually capable of discharging more than 1 cartridge by a single pull of the trigger; and any firearm incapable of discharging more than 1 cartridge by a single pull of the trigger shall not be considered a machine gun.

(c) Any test firing within the State shall be made at facilities approved by the adjutant general of the Delaware National Guard or the secretary of the department of public safety and shall be supervised by their duly appointed delegate.

(d) No machine gun may be conveyed or transported unless it is disarmed by removal of its bolt; the disarmed machine gun and its bolt may be transported in the same vehicle, but they must be transported in separate locked containers.

465A. *Manufacture, sale, possession and delivery of sawed-off shotgun; penalty.* (a) No person shall manufacture, make, deliver, transport, trade, give, sell, or possess a short-barrelled or sawed-off shotgun except as specifically authorized by the secretary of public safety consistent with public safety and necessity.

(b) The term "shotgun" as used in this section means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed and redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projecties (ball shot) or a single projectile for each pull of the trigger.

(c) The term "short-barrelled" or "sawed-off shotgun" as used in this section means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(d) Whoever violates this section shall be guilty of a felony and shall be fined not less than $500 nor more than $2,000, imprisoned not less than 1 year nor more than 5 years, or be fined and imprisoned.

468B. *Purchase and possession of firearms by certain persons prohibited.* Any person, having been convicted in this State or elsewhere of a felony or a crime of violence involving bodily injury to another, whether or not armed with, or having in his possession any firearm during the commission of such felony, or crime of violence, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium (unless he possesses a certificate of a medical doctor or psychiatrist licensed in Delaware that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm), or any person who has been convicted for the unlawful use, possession, or sale of a narcotic or non-narcotic drug, who purchases, owns, possesses, or controls any firearm or weapon capable of firing a missile or projectile with sufficient force to cause death or serious bodily injury shall be fined not less than $500 nor more than $2,000, or imprisoned not less than 90 days nor more than 5 years, or both.

Any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium shall be granted 60 days from the enactment of this Act to procure and possess a certificate from the State Board of Trustees of the Mental Health Department stating that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm.

Any person having been convicted in this State or elsewhere of e felony or a crime of violence involving bodily injury to another, or having been convicted for the unlawful use, possession, or sale of a narcotic or non-narcotic drug, may apply to the State Board of Pardons for permission to purchase, own, or possess a firearm. The decision of the Board shall be final. The Board may adopt such rules, regulations, and procedures as are necessary to effectuate the provisions of this section.

DEL. CODE ANN. TITLE 24

901. *Necessity for license; exceptions.* No person shall sell or expose to sale, any pistol or revolver, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapon made especially for the defense of one's person, without first having obtained a license therefor, which license shall be known as "Special License to Sell Deadly Weapons". No person licensed or unlicensed shall possess, sell, or offer for sale any switch blade knife.

This section shall not apply to toy pistols, pocket knives, or knives used in the domestic household, or surgical instruments or tools of any kind.

902. *Application and fee for license; duration.* Whoever desires to engage in the business of selling any of the articles referred to in the first paragraph of section 901 of this title shall apply to the State Tax Department and obtain a license to conduct such business, for which he shall pay the sum of $50. The license shall entitle the holder thereof to conduct such business until the first day of June next succeeding its date.

903. *Sale to minors or intoxicated persons.* No person shall sell to a minor or any intoxicated person any of the articles referred to in the first paragraph of section 901 of this title.

DELAWARE CODE ANN. TITLE 28

802. Lawful Acts. It shall be lawful for a person residing in this State (including a corporation or other business entity maintaining a place of business in this State) to purchase or otherwise obtain a rifle or shotgun in a State contiguous to this State and to receive or transport such rifle or shotgun into this State, subject however, to such other laws of the State or its political subdivision as may be applicable and subject to the provisions of Section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 U.S.C. Section 921 et seq.

Delmar

13-2. No person shall offer for sale any gun, pistol, rifle or BB-Gun or any gunpowder, gunshot, rifle bullets or ammunition of any description to any one under the age of sixteen years old within the Town limits of the Town of Delmar, Delaware.*

Dover

20-34. *Sales to intoxicated persons and minors prohibited.* It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon mentioned in Section 20-29(a) and -31(a) to any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years.*

Wilmington

39-1. *Ammunition dealers—definitions.* For the purposes of section 39-2, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Ammunition. Any material used in discharging any type of firearm or any projectile discharged by such firearm.

Minor. Any person under the age of eighteen years.

39-2. *Same—Restrictions on storage and display; sales to minors; identification and registration of purchasers.* (a) Any person engaged in the business of selling ammunition shall be required to comply with the following:

(4) No person shall sell, give or deliver any ammunition to minors; provided, that this section shall not apply to ammunition supplied by a parent or guardian to his child for lawful purposes.

(5) No person shall sell any ammunition which can be used in pistols, revolvers or other hand guns unless the purchaser produces satisfactory written identification and registers his name and address.

39-18.1 *"Manufacture, delivery, sale or possession of certain weapons prohibited".* (a) It shall be unlawful for any person to manufacture, make, deliver, transport, trade, give, sell, or possess a smooth-bore shot revolver, short-barreled rifle, zip gun, converted tear gas gun, or converted starter pistol.

(b) 1. The term "smooth-bore shot revolver" as used in this section means a revolver with a smooth-bore having been reamed out so that it can be used to fire shot-shell.

2. The term "short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

3. The term "zip-gun" means any weapon or instrument not originally designed to be a firearm which has been made or altered to

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

discharge a projectile with sufficient force to cause death or physical injury.

4. The term "converted tear gas gun" as used in this section means a tear gas gun which has been altered to fire a projectile with sufficient force to cause death or physical injury.

5. The term "converted starter pistol" as used in this section means a starter pistol which has been altered to fire a projectile with sufficient force to cause death or physical injury.

(c) Any law enforcement officer while performing his lawful duties within the City shall be exempted from the effect of this section.

39-21. *Same—Sale, etc., of firearms to minors.* It shall be unlawful for any person to sell, give away, dispose of or otherwise directly or indirectly furnish, within the city, to any minor under the age of eighteen years, any gun, pistol, revolver or other firearm whatsoever.*

DISTRICT OF COLUMBIA

D.C. CODE TITLE 22

22-3201. *Possession, sale, transfer, and use of dangerous weapons—Definition.* "Pistol," as used in this chapter, means any firearm with a barrel less than twelve inches in length.

"Sawed-off shotgun," as used in this chapter, means any shotgun with a barrel less than twenty inches in length.

"Machine gun," as used in this chapter, means any firearm which shoots automatically or semi-automatically more than twelve shots without reloading.

"Person," as used in this chapter, includes individual, firm, association, or corporation.

"Sell" and "purchase" and the various derivatives of such words, as used in this chapter, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

"Crime of violence," as used in this chapter, means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

22-3203. *Unlawful possession of a pistol.* No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the District of Columbia, if—

(1) he is a drug addict;

(2) he has been convicted in the District of Columbia or elsewhere of a felony;

(3) he has been convicted of violating section 22-2701, section 22-2722, or sections 22-3302 to 22-3306; or

(4) he is not licensed under section 22-3210 to sell weapons, and he has been convicted of violating sections 22-3201 to 22-3216.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict. Whoever violates this section shall be punished as provided in section 22-3215, unless the violation occurs after he has been convicted of a violation of this section, in which case he shall be imprisoned for not more than ten years.

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

22-3207. *Selling pistol to minors and others.* No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 22-3203 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

22-3208. *Transfers of firearms regulated.* No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law-enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he is not forbidden by section 22-3203 to possess a pistol. The seller shall, within six hours after such application, sign and attach his address and deliver one copy to such person or persons as the superintendent of police of the District of Columbia may designate, and shall retain the other copy for six years. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the chief of police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

22-3209. *Dealers of weapons to be licensed.* No retail dealer shall within the District of Columbia sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun, or blackjack without being licensed as provided in section 22-3210. No wholesale dealer shall, within the District of Columbia, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

22-3210. *Licenses of dealers of weapons—Records—By whom granted—Conditions thereof.* The commissioners of the District of Columbia may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail within the District of Columbia subject to the following conditions in addition to those specified in section 22-3209, for breach of any of which the license shall be subject to forfeiture and the licensee subject to punishment as provided in this chapter.

3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 22-3203 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia.

22-3211. *False information forbidden in sale of weapons.* No person shall, in purchasing a pistol or in applying for a license to carry the same, or in purchasing a machine gun, sawed-off shotgun, or blackjack within the District of Columbia, give false information or offer false evidence of his identity.

22-3212. *Alteration of identifying marks of weapons prohibited.* No person shall within the District of Columbia change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same within the District of Columbia: Provided, however, that nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the District of Columbia engaged in experimental work.

22-3213. *Exceptions.* This chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

22-3214. *Possession of certain dangerous weapons prohibited—Exceptions.* (a) No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, slung shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms: Provided, however, that machine guns, or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy, Air Force or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the United States Postal Service or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law-enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money securities, or other valuables, wholesale dealers and retail dealers licensed under section 22-3210.

22-3215a. *Manufacture, transfer, use, possession or transportation of molotov cocktails, or other explosives for unlawful purposes, prohibited—definitions—penalties.* (a) No person shall within the District of Columbia manufacture, transfer, use, possess, or transport a molotov cocktail. As used in this subsection, the term "molotov cocktail" means (1) a breakable container containing flammable liquid and having a wick or a similar device capable of being ignited, or (2) any other device designed to explode or produce uncontained combustion upon impact; but such term does not include a device lawfully and commercially manufactured primarily for the purpose of illumination, construction work, or other lawful purpose.

(b) No person shall manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontained combustion, with the intent that the same may be used unlawfully against any person or property.

(c) No person shall, during a state of emergency in the District of Columbia declared by the Commissioner pursuant to law, or during a situation in the District of Columbia concerning which the President has invoked any provision of chapter 15 of title 10, United States Code, manufacture, transfer, use, possess, or transport any device,

instrument, or object designed to explode or produce uncontained combustion, except at his resident or place of business.

(d) Whoever violates this section shall (1) for the first offense, be sentenced to a term of imprisonment of not less than one and not more than five years, (2) for the second offense, be sentenced to a term of imprisonment of not less than three and not more than fifteen years, and (3) for the third or subsequent offense, be sentenced to a term of imprisonment of not less than five years and of any term of years up to life imprisonment. In the case of a person convicted of a third or subsequent violation of this section, chapter 402 of title 18, United States Code (Federal Youth Corrections Act) shall not apply.

POLICE REGULATIONS OF THE DISTRICT OF COLUMBIA

50. *Definitions.* 1. When used in these Regulations (Article 50 through 55 of the Police Regulations of the District of Columbia), unless the context requires otherwise, the terms "pistol," "sawed-off shotgun," "machine gun," "person," and "sell" and "purchase" shall have the meanings ascribed to them in the Act of Congress entitled "An act to control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia," as amended, approved July 8, 1932 (47 Stat. 650, D.C. Code, sec. 22-3201 et seq.). Other terms used in these Regulations, unless the context otherwise requires, shall have the meanings ascribed to them as follows:

(a) "Commissioner" means the Commissioner of the District of Columbia or his designated agent.

(b) "Chief of Police" and "Chief" mean the Chief of Police of the Metropolitan Police Department of the District of Columbia or his designated agent.

(c) "District" means the District of Columbia.

(d) "Firearm" means any pistol, rifle or shotgun which will or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; or the frame or receiver of any such pistol, rifle, or shotgun; but does not include a firearm that is not designed or redesigned to use rim fire or center fire fixed ammunition or manufactured in or before 1898.

(e) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifle bore for each single pull of the trigger.

(f) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and a weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than twenty-six inches.

(g) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(h) "Ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm, machine gun, short-barrel rifle or sawed-off shotgun.

(i) The term "destructive device" means any firearm, weapon or automatic weapon which is not a pistol, rifle, shotgun, sawed-off shotgun or machine gun defined herein and includes any explosive not commonly used for lawful commercial purposes, explosive bomb, poison gas bomb, tear gas or tear gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter; excluding however,

(1) a pneumatic gun, spring gun, or B–B gun which expels a single globular projectile not exceeding 0.18 inch in diameter;

(2) any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial ammunition; or

(3) any device used exclusively for signalling or safety, and required or recommended by the U.S. Coast Guard or the Interstate Commerce Commission.

(j) "Dealer" means (i) any person engaged in the business of selling firearms or ammunition, (ii) any person engaged in the business of manufacturing or repairing firearms or of making or fitting special barrels, stocks or trigger mechanisms to firearms, or (iii) any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money. The term "licensed dealer" means any dealer licensed under the provisions of these Regulations.

(k) "Manufacturing" means manufacturing, producing, making or remaking any firearm, destructive device or ammunition for sale or distribution.

(l) "Act" means the Act of Congress, entitled "An Act to control the possession, sale, transfer and use of pistols and other dangerous weapons, in the District of Columbia," as amended, approved July 8, 1932 (41 Stat. 650, D.C. Code, sec. 22–3201 et seq.).

(m) The term "these Regulations" means the regulations and provisions contained in Articles 50 through 55 of the Police Regulations of the District of Columbia as adopted by the District of Columbia Council and any orders issued by the Commissioner pursuant to authority transferred to him by the Council in such Articles.

(n) "Carry" means to carry, transport or possess on or about one's person, or in such close proximity to one's person as to be easily and readily accessible.

51. *Requiring the registration of firearms in the District of Columbia.* 1. Except as herein provided, no person shall within the District, possess, or keep under his control, or sell or otherwise dispose of any pistol, or rifle or shotgun unless such person is the holder of a valid registration certificate for such pistol, rifle or shotgun.

2. (a) Each licensed dealer who sells a pistol, rifle or shotgun to a person in whose possession the pistol, rifle or shotgun must be registered shall require from the purchaser a completed application for the registration of the pistol, rifle or shotgun and shall file the application with the Chief of Police at the time of sale.

(b) Each person who within the District possesses, or keeps under his control any pistol, rifle or shotgun purchased or acquired prior to the effective date of these Regulations, shall make an application to register such pistol, rifle or shotgun within 120 days immediately following the effective date of these Regulations.

(c) Each person who brings into the District any pistol, rifle or shotgun acquired outside of the District, or who causes a rifle or shotgun to be lawfully delivered to him within the District, shall make an application to register such pistol, rifle or shotgun within forty-eight hours after he brings such pistol, rifle or shotgun into the District or within forty-eight hours after such rifle or shotgun is delivered to him in the District.

(d) Each person within the District who otherwise acquires possession or control of any pistol, rifle or shotgun shall make an application to register such pistol, rifle or shotgun within forty-eight hours after he acquires possession or control of the same; except as provided in Art. 55, sec. 6 of these Regulations.

7. It shall be the duty of the registered owner of a pistol, rifle or shotgun—

(b) to notify the Chief of Police in writing of the sale, transfer or other disposition of any pistol, rifle or shotgun registered to him within forty-eight hours following such sale, transfer or disposition, except as provided for in Art. 55, sec. 6 of these Regulations. Such notification shall contain—

(1) the name, residence and business address within the District, the occupation, and date of birth of the person to whom the pistol, rifle or shotgun has been sold or transferred;

(2) the make, model, caliber or gauge, manufacturer's identification number, serial number, and other identifying marks of the pistol, rifle or shotgun sold or transferred; and

(3) the number of the registration certificate issued to the registered owner.

(c) to return to the Chief of Police of registration certificate for any pistol, rifle or shotgun which is lost, stolen or destroyed, or which he sells, transfers or otherwise disposes of at the time he notifies the Chief of Police of such loss, theft, destruction, sale, transfer or other disposition.

8. No person shall within the District—

(a) lend or give, or allow the use of a registration certificate issued to him by any other person for identification; except, that when a registered owner of a pistol, rifle or shotgun lends or delivers the same to another person in accordance with the provisions of Art. 55, sec. 6 of these Regulations he shall deliver to such other person the registration certificate for each pistol, rifle or shotgun so loaned or delivered.

(b) represent himself as the owner of a registration certificate issued to another person.

10. This Article of these Regulations shall not apply to—

(a) any person licensed under Art. 55 of these Regulations as a licensed retail dealer; provided, that this exception shall only apply to pistols, rifles or shotguns acquired by such person in the normal conduct of his business and kept by such person at his place of business; and further, provided, that this exception shall not apply to such person for any pistol, rifle or shotgun kept by him for his private use or protection, or for the protection of his business; or

(b) any non-resident of the District participating in any lawful recreational activity in the District involving the use of pistols, rifles or shotguns; or transporting such pistol, rifle or shotgun to or from such lawful recreational activity; provided, that such non-resident shall upon demand of any enforcement officer exhibit proof that his possession of such pistol, rifle or shotgun is registered and legal in the jurisdiction in which he resides; or proof of residence in a jurisdiction which does not require registration of a pistol, rifle or shotgun;

(c) any officer, agent or employee of the District of Columbia or the Federal Government, or any officer, agent or employee of the

government of any state or subdivision thereof, or any member of the Armed Forces of the United States, the National Guard or the Organized Reserves, when such officer, agent, employee or member is authorized to carry a pistol, rifle or shotgun and who is carrying a pistol, rifle or shotgun while on duty in the performance of his official authorized functions; * * *

52. *Regulating the sale and carrying of firearms in the District of Columbia.* 1. (a) Any person who is not subject to any of the disabilities enumerated in Sec. 7 of the Act (D.C. Code, sec. 22-3207) shall be entitled to purchase a pistol within the District, and a seller is lawfully entitled to sell a pistol to such a person. No such person shall be denied the purchase of a pistol except as provided in the Act.

(c) Any person who is not subject to any of the disabilities set forth in sec. 5(c) of this article shall be entitled to purchase and carry a rifle or shotgun in the District, and a seller shall be entitled to sell a rifle or shotgun to such a person.

2. (b) No person shall purchase, own, possess or carry on or about his person any rifle or shotgun unless he possesses a valid rifle and shotgun license therefor issued to him pursuant to Sec. 5 of this Article.

(c) No person shall within the District sell or transfer any rifle or shotgun to a purchaser who is not a retail dealer licensed under Art. 54 of these Regulations; and no person who is not a licensed retail dealer shall purchase or otherwise acquire any rifle or shotgun from any seller unless—

(1) the purchaser exhibits to the seller a valid rifle and shotgun license issued according to Section 5 of this Article; and

(2) the seller forwards to the Chief of Police at the time of the sale the purchaser's application register the rifle or shotgun being sold pursuant to Art. 51, Sec. 2(a) of these Regulations; or within forty-eight hours following the sale a written notification of sale pursuant to Art. 51, Sec. 8(b).*

(d) No person within the District shall import or cause to be delivered to him within the District any rifle or shotgun unless he shall within forty-eight hours following delivery to him, submit an application to register the rifle or shotgun pursuant to Art. 51, Sec. 2(c) of these Regulations.

3. Each person who is required by Sec. 8 of the Act (D.C. Code, sec. 22-3208) to submit a statement when applying to purchase a pistol, or who is required by Sec. 4 of the Act (D.C. Code, sec. 22-3204) to have a license to carry a pistol, or who is required by sec. 2(b) of this Article to have a license to purchase or carry a rifle or shotgun shall submit such statement to the seller or an application for such license directly to the Chief of Police in the form and number prescribed by the Chief.

4. (a) Each statement on application to purchase a pistol shall be signed by the applicant purchaser and the seller, and each application for a license shall be signed by the applicant for the license.

(b) Each such statement or application shall contain that information prescribed by the Chief of Police which in his judgment is necessary to conduct efficient and thorough investigations, and to effectuate the purposes of the Act and these Regulations. Each statement or application shall contain at least the following information:

(1) the full name, and any other name by which the applicant is or has been known;

(2) the home address, and any other address at which the applicant has resided within five years immediately prior to the submission of the statement or application.

(3) the present business or occupation, any business or occupation in which the applicant has engaged for five years immediately prior to the application, and the addresses of such businesses or places of employment;

(4) the date and place of birth of the applicant;

(5) the sex of the applicant;

(6) a statement by the applicant that he is not ineligible to purchase or possess a pistol under Section 7 of the Act (D.C. Code, sec. 22-3207) or not ineligible for a license to carry a pistol under Sec. 6 of the Act (D.C. Code, sec. 22-3206), or not ineligible under Sec. 5(c) of this Article to purchase or carry a rifle or shotgun; and indicating whether he has previously been denied any pistol, or rifle or shotgun license, registration certificate or permit by the Federal Government or any state government or subdivision thereof including the District Government; and whether he has been involved in any mishap involving a pistol, or rifle or shotgun, including the date, place, and circumstances and the names of any persons injured or killed;

(7) a statement by the applicant of his need to purchase or carry a pistol, rifle or shotgun, and his intended use of the same;

(8) the caliber, make, model, manufacturer's identification number, serial number, and any other identifying marks on the pistol, rifle or shotgun to be purchased or carried; and

(9) the name and address of the seller, and his retail license number if he is a licensed dealer under Art. 55 of these Regulations.

5. (a) No person shall be approved by the Chief of Police to purchase a pistol if the Chief after investigation determines that a pistol could not lawfully be sold to such person under Section 7 of the Act (D.C. Code, sec. 22-2307).

(b) No person shall be issued a license to carry a pistol by the Chief of Police if the Chief after investigation determines that such person is ineligible for such license under Section 6 of the Act (D.C. Code, sec. 3206).

(c) Except as provided for in subsection (d) of this section, no person shall be issued a license to purchase or carry a rifle or shotgun if the Chief of Police determines after investigation that such person—

(1) is under the age of twenty-one years;

(2) is not of sound mind; provided, that the Chief of Police shall determine that the person is not of sound mind to purchase, possess and carry a rifle or shotgun if he determines that such person has been adjudicated mentally incompetent, or has been acquitted of any criminal charge by reason of insanity by any court or has been adjudicated a chronic alcoholic by any court and provided, that three years after such conviction adjudication or acquittal, the Chief of Police shall disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a pistol in a safe and responsible manner.

(3) is a drug addict; provided, that the Chief of Police shall determine that the person is a drug addict if he determines that such person (i) is an abusive user of narcotic drugs as defined by section 4731 of the Internal Revenue Code 1954, as amended (Aug. 16, 1954, 68A Stat. 557, ch. 736; Apr. 22, 1960, 74 Stat. 57 Pub. L. 88-429, sec. 4(a), (b); 26 U.S.C., sec. 4731); or (ii) is an abusive user of dangerous drugs as defined by or under the Act entitled the "Dangerous Drug Act for the District of Columbia", approved July 24, 1956 (70 Stat. 612, title II, sec. 202 D.C. Code, sec. 33-701);

(4) has been convicted in any jurisdiction of a crime involving the use of physical force against a person punishable by imprisonment for more than one year, or is under indictment for such a crime; or

(5) he has been convicted in any jurisdiction of any of the following offenses punishable by imprisonment for less than one year; any offense involving a physical assault; any offense committed while carrying a firearm or weapon; using, possessing or selling any narcotic or dangerous drug; or any violation of a law restricting the sale, receipt, possession, use or transportation of a firearm or destructive device; provided, that three years after such conviction, the Chief of Police may disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a rifle or shotgun in a safe and responsible manner; or

(6) suffers from a physical defect which would make it unsafe for him to use a rifle or shotgun; or

(7) has indicated by threatening speech or other behavior that he is likely to make unlawful use of a rifle or shotgun; or

(8) has been adjudicated negligent in a firearms mishap causing death or injury to another human being; or

(9) is otherwise ineligible to purchase or possess a pistol under section 3 of the Act (D.C. Code, sec. 22-3203).

(d) The Chief of Police shall deny a rifle or shotgun license if the Chief determines, after investigation or test, that the applicant—

(1) does answer to one or more of the descriptions enumerated in subparagraphs (c)(1) through (c)(9) of this section; or

(2) has failed to demonstrate satisfactorily a knowledge of the laws of the District of Columbia pertaining to rifles and shotguns and the safe and responsible use of the same in accordance with tests and standards prescribed by the Chief of Police; or

(3) has vision less than that required to obtain a valid driver's license under the laws of the District; provided, that possession of a valid driver's license shall be prima facie evidence that an applicant's vision is not deficient.

(e) The Chief of Police shall issue to applicant a numbered rifle and shotgun license if the Chief determines, after investigation that the applicant does not answer to any of the descriptions enumerated in subparagraphs (c)(1) through (c)(9) of this section.

(f) The Chief of Police may issue to an applicant between the ages of eighteen and twenty-one years old who is otherwise qualified under subsection (c) a numbered restricted rifle and shotgun license if—

(1) the application is accompanied by a signed statement by the parent or guardian of the applicant (i) that the applicant has the permission of the parent or guardian to use a rifle or shotgun, and (ii) that the parent or guardian assumes civil liability for all damages resulting from the actions of the applicant in the use of the rifle or shotgun; and

(2) if the applicant is not disqualified by subsection (d) in any respect except his age.

9. (a) Section 2(b) of this Article shall not apply to—

(1) any person directly transporting any rifle or shotgun to any police precinct house to surrender the same to the Chief of Police;

(2) any nonresident of the District ac-

*NOTE: Apparently should read Art. 51, sec. 7(b).

tively participating in any lawful recreational activity in the District involving the use of a rifle or shotgun, transporting a rifle or shotgun directly to or directly from such lawful recreational activity, provided, that such nonresident shall upon demand of any law enforcement officer exhibit proof that his carrying about of a rifle or shotgun is permitted and legal in the jurisdiction in which he resides; or proof of residence in a jurisdiction which does not license the carrying about of a rifle or shotgun;

(3) any officer, agent or employee of the District of Columbia or the Federal Government, or any officer, agent or employee of the government of any state or subdivision thereof, or any member of the armed forces of the United States, the National Guard or the Organized Reserves, when such officer, agent, employee or member is authorized to carry a rifle or shotgun, and who is carrying a rifle or shotgun while on duty in the performance of his official authorized functions;

(4) any person between the ages of 15 and 18 years of age uses a rifle or shotgun as authorized by Art. 55, sec. 8(b) of these Regulations.

(b) Notwithstanding any provision of this Article, it shall be lawful in the District for a seller to sell a rifle or shotgun to a nonresident of the District who is a citizen of the United States and who does not have a license issued under this Article: provided, that such nonresident purchaser possesses and exhibits to the seller a valid license or permit for the purchase, possession or use a rifle or shotgun issued to him by the United States government or by any state or subdivision thereof.

(c) Any rifle or shotgun being carried shall, except when lawful use is imminent, be unloaded and securely wrapped or encased in a closed container.

53. *Regulating the sale of firearm ammunition.* 1. No person shall within the District sell or otherwise transfer ammunition for a firearm to another unless

(a) The sale or transfer is made in a face-to-face transaction;

(b) The purchaser exhibits at the time of the sale or transfer a valid certificate of registration issued under these regulations;

(c) The ammunition sold or transferred is of the same caliber or gauge as the firearm described in the certificate of registration and suitable for use therein;

(d) The purchaser signs a receipt for the ammunition, which receipt shall be maintained by the seller for six months.

2. No person shall within the District of Columbia purchase or possess ammunition for a firearm unless he is the holder of a valid certificate of registration issued under the regulations; and unless the ammunition is of the same gauge or caliber as the firearm described in the certificate of registration issued to such person.

3. For purposes of Secs. 1 and 2 above, a valid firearm registration certificate issued by the United States or any state or subdivision thereof shall be sufficient to authorize ammunition sales to and purchases by persons who are not residents of the District.

4. This Article shall not apply to sales or transfers to government agencies, duly appointed law enforcement officers, or persons duly licensed as dealers of weapons under Section 10 of the Act (D.C. Code, sec. 22-3210).

5. This Article shall not apply to bona fide collectors of ammunition who are purchasing ammunition for their collections. Any such collector may obtain an ammunition collector's certificate from the Chief of Police, upon proof, submission of a statement, verified by the Chief, that he is, in fact, a bona fide collector. This certificate shall be exhibited to the seller whenever the collector purchases ammunition for his collection. The seller shall keep records of all ammunition sales to collectors for six months.

54. *Regulating and licensing dealers in dangerous weapons.* 1. (a) No person shall within the District engage in the business of selling, or manufacturing, or repairing any pistol, rifle, shotgun, or ammunition without first obtaining a license as provided in sec. 2 of this Article.

(b) The Commissioner may grant licenses, effective for not more than one year from date of issue, permitting the licensee to sell, or to manufacture, or to repair pistols, rifles, shotguns or ammunition. Whenever any such licensee breaches any condition upon which his license was issued or violates any provision of these Regulations or of any provision of section 7 of the Act (D.C. Code, sec. 22-3207), which is applicable to any such licensee or any applicable regulation made pursuant to such Act, the license shall be suspended or revoked and the licensee shall be subject to punishment as provided in these Regulations.

4. (a) Any dealer within the District who transports or delivers firearms to another dealer in the District shall, before delivery of the firearm, furnish to the Chief of Police an invoice listing his name, his home and business addresses, his license number, the name and address of the dealer to whom such firearms are to be delivered, the place of origin of the shipment, the quantity of firearms transported, and the serial number of each firearm in the shipment.

(b) If such shipment is by common carrier, a copy of the invoice shall be delivered to the common carrier. No common carrier shall knowingly deliver a shipment of firearms to a dealer within the District without having received a copy of such invoice. The copy of the invoice shall be left with the dealer at the time of delivery.

(c) If such shipment is by other than common carrier, the copy of the invoice shall be furnished to the dealer at the time of delivery.

5. (a) No person licensed under this Article shall sell a pistol, rifle, shotgun, or ammunition to any person whom he knows or has reasonable cause to believe is ineligible to own a pistol, rifle or shotgun under Section 7 of the Act (D.C. Code, sec. 22-3207) or Article 52, sec. 5(c) of these Regulations.

7. Beginning one year after the effective date of these Regulations, no retail dealer licensed under this Article shall sell or offer for sale in the District any pistol, rifle or shotgun, which does not have imbedded into the metal portion of such pistol, rifle or shotgun a unique manufacturer's identification number or serial number unless the retail dealer shall have imbedded into the metal portion of such pistol, rifle or shotgun a unique dealer's identification number.

8. (a) No pawnbroker in the District shall sell or offer for sale any firearm or ammunition, or loan money secured by mortgage, deposit or pledge of any firearm or ammunition without obtaining a license under this Article.

(b) No licensed dealer shall take or receive any firearm by way of mortgage, pledge or pawn without also taking and retaining during the term of such pledge or pawn, the registration certificate of the firearm mortgaged, pledged or pawned. If such firearm is not redeemed, the dealer shall return the registration certificate to the Chief of Police and register the firearm in his own name.

55. *Miscellaneous provisions.* 1. (a) It shall be unlawful for any person purchasing any pistol, rifle, shotgun or ammunition, or applying for any certificate of registration or license under these Regulations, or in giving any information pursuant to the requirements of these Regulations, to give false information or offer false evidence of his identity.

(b) It shall be unlawful for anyone to forge or alter any application, registration certificate, temporary evidence of registration, or license submitted, retained or issued under these Regulations.

(c) It shall be unlawful for any person within the District to change, alter, remove, or obliterate the name of the maker, model, manufacturer's identification number, serial number, or other mark of identification on any pistol, rifle or shotgun; provided, that nothing contained in this section shall apply to any officer or agent of any department or agency of the United States or the District Government who is engaged in research or experimental work.

(d) It shall be unlawful for any person within the District to own, possess, sell, offer for sale, purchase or offer to purchase any destructive device, or military type weapon including weapons known as hand grenades, cannons, anti-tank guns and bazookas; provided, that this section shall not apply to any agency or department of the District of Columbia or Federal Government or to any person licensed or authorized by the Federal Government to own, possess, sell or purchase such weapons.

4. (c) The Commissioner may prohibit the sales of ammunition when he determines that the design, construction or material composition of such ammunition makes it unsuitable or unsafe for any lawful use.

6. Except for transfers to licensed dealers, no person shall loan or otherwise allow another person to possess, carry or use any firearm unless such firearm is being loaned for a legitimate purpose, and for a period not to exceed 30 days; and unless—

"(a) the person to whom the firearm is loaned possesses a valid license for such firearm issued to him pursuant to section 6 of the Act (D.C. Code, sec. 22-3206) or to Art. 52 of these Regulations; or

(b) such person to whom the firearm is loaned is at least fifteen years of age, does not possess a valid license because of his age, and is a member or student of an organization or school which teaches firearm safety and use. Where such circumstances exist, it shall be lawful to loan a rifle or shotgun to such person for instruction, military or military type drill, or legitimate recreational activity; provided, that the use of the rifle or shotgun is immediately supervised by a person licensed pursuant to Art. 52 of these Regulations; and provided, the rifle or shotgun is registered to the organization, school, parent or guardian of the user; and further provided, that the rifle or shotgun is surrendered immediately following its use to the organization, school, or parent or guardian of the user."

7. (a) Except as provided in the immediately preceding section, no person shall within the District keep any firearm or ammunition for, or intentionally make any firearm or ammunition available to any person who would not qualify under these Regulations for a License for such firearm.

(b) No person shall hold a firearm or loan any money on a firearm as security for the payment or repayment of any debt or pledge, except as otherwise provided for in Art. 55, sec. 8 of these Regulations.

8. No person shall within the District sell or otherwise transfer a firearm or ammunition to a purchaser who is under the influ-

ence of alcohol or a narcotic or dangerous drug. No person shall within the District carry or use any firearm while under the influence of alcohol or a narcotic or dangerous drug.

10. (a) "Applications required by these Regulations for registration or licensing of firearms possessed, purchased or acquired by, or delivered to, persons within the District prior to the effective date of these regulations must be submitted within 120 days after that date. No such person shall be deemed in default under the registration provisions of these regulations if his application to register is submitted within that time. Nor shall any such person be deemed in default under the licensing provisions of these regulations while his application for a license, submitted within that time, is still pending.

(b) The registration and licensing requirements established by these regulations shall be immediately effective, from the effective date of these Regulations, for firearms purchased or acquired by, or delivered to, persons within the District after that date."

14. "These Regulations shall become effective on February 15, 1969; provided that the Chief of Police may accept applications for registration of firearms immediately upon adoption of these Regulations."

FLORIDA

State Law

FLA. STATS. ANN.

250.32. *Commanding officer's control of arms sales.* When any part of the militia of Florida is in active service by the order of the governor to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any places where arms, ammunition, dynamite, explosives, or intoxicating liquors, are sold, and forbid the selling, bartering, lending or giving away of any of said commodities in the city, town or village where the troops are on duty, or in the vicinity of such place, for so long as any of the troops remain on duty in said vicinity. Such orders shall take effect whether any civil officer has issued a similar order; and the commanding officer of such troops may continue said prohibition in force until the departure of the troops, although the sheriff, mayor or intendent of the county, city, town or village may have prescribed an earlier or different date after which such selling, bartering, lending or giving away shall be carried on.

790.001 *Definitions.* The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this chapter, except where the context otherwise requires.

(1) "Antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(3)(b) "Tear gas gun," "chemical weapon" or "device" shall apply to all weapons of such nature except those designed to be carried in a woman's handbag or a man's pants or coat pocket or designed as a pocket pencil or pen and containing not more than one half (½) ounce of chemical.

(4) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of any explosive and has a barrel with a bore of one half inch or more in diameter and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. "Destructive device" shall not include:

(a) A device which is not designed, redesigned, used, or intended for use as a weapon;

(b) Any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device;

(c) Any shotgun other than a short-barreled shotgun; or

(d) Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.

(5) "Explosive" means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps and detonators; but not including:

(a) Shotgun shells, cartridges or ammunition for firearms;

(b) Fireworks as defined in § 791.01;

(c) Smokeless propellent powder or small arms ammunition primers, if possessed, purchased, sold, transported or used in compliance with § 552.241;

(d) Black powder in quantities not to exceed that authorized by chapter 552, or by any rules or regulations promulgated thereunder by the department of insurance, when used for or intended to be used for the manufacture of target and sporting ammunition or for use in muzzle loading flint or percussion weapons.

(6) "Firearm" means any weapon (including a starter gun) which will, or is designed to or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" shall not include an antique firearm.

(7) "Indictment" means an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(8) "Law enforcement officer" means:

(a) All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests;

(b) Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon;

(c) Members of the armed forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for or going to or from military duty, or under orders;

(d) Employees of the state prisons or correctional systems who have been so designated by the division of adult corrections of the department of health and rehabilitative services or by a superintendent of an institution;

(e) All peace officers;

(f) All state attorneys, United States attorneys, county solicitors, and county prosecutors and their respective assistants and investigators.

(9) "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically or semi-automatically, more than one (1) shot, without manually reloading, by a single function of the trigger.

(10) "Short barreled shotgun" means a shotgun having one (1) or more barrels less than eighteen (18) inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

(11) "Short barreled rifle" means a rifle having one (1) or more barrels less than sixteen (16) inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

790.17. *Furnishing weapons to minors under eighteen years of age, etc.* Whoever sells, hires, barters, lends or gives any minor under eighteen (18) years of age any pistol, dirk, or other arm or weapon, other than an ordinary pocketknife, without permission of the parent of such minor or the person having charge of such minor, or sells, hires, barters, lends or gives to any person of unsound mind any dangerous weapon, other than an ordinary pocketknife, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment not exceeding three (3) months, or by fine not exceeding fifty dollars ($50.00).*

790.18. *Selling arms to minors by dealers.* It is unlawful for any dealer in arms to sell to minors any pistol, springfield rifle or other repeating rifle, bowie knife or dirk knife, brass knuckles or sling shot, and every person violating this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of fifty dollars or by imprisonment in the county jail not more than six months.

790.22. *Use of BB guns, air or gas operated guns or firearms by child under sixteen; limitation.* (1) The use for any purpose whatsoever of BB guns, air or gas operated guns or a firearm as defined in this act, by any child under the age of sixteen (16) years is prohibited unless such use is under the supervision and in the presence of an adult.

(2) Any adult responsible for the welfare of any child under the age of sixteen (16) years who knowingly permits such child to use or have in his possession any BB gun, air or gas operated guns or any firearm in violation of the provisions of subsection (1) of this section, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or not more than three hundred dollars ($300.00) or by imprisonment in the county jail for not longer than thirty (30) days.

790.26. *Assembly of handguns.*—(1) It is unlawful for any person in this state to assemble any pistol, revolver, or other handgun from parts manufactured or originating from outside the United States. This provision shall not apply to the importation of parts intended and used solely for the repair of such weapons.

(2) Any person who violates the provision of this act is guilty of a misdemeanor of the second degree, punishable as provided in

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

§ 775.082 or § 775.083. The assembly of each weapon in violation of this act shall constitute a separate and distinct offense.

790.221 *Possession of short-barreled rifle, short-barreled shotgun or machine gun; penalty.* (1) It is unlawful for any person to own or to have in his care, custody, possession or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may readily be made, operable, but this section shall not apply to antique firearms.

(2) Any person convicted of violating this section is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state penitentiary not to exceed five (5) years.

(3) Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted.

COMPILER'S NOTE: Florida residents legally possessing short-barreled shotguns, short-barreled rifles or machine guns under federal law may transfer such weapons pursuant to 26 U.S.C. Section 5812 to another Florida resident; they would not come within the proscription of Section 790.221, Florida Statutes.

790.23. *Felons; possession of firearms unlawful; exception; penalty.* (1) It is unlawful for any person who has been convicted of a felony in the courts of this state, or of a crime against the United States, which is designated as a felony, or convicted of an offense in any other state, territory or country punishable by imprisonment for a term exceeding one (1) year, to own or to have in his care, custody, possession or control any firearm, as defined herein, or to carry a concealed weapon, as defined herein, but to include all tear gas guns, chemical weapons or devices.

(2) This section shall not apply to a person having been convicted of a felony whose civil rights have been restored or to a person convicted of a felony for antitrust violation, unfair trade practice, restraints of trade, nonsupport of dependents, bigamy or other similar offenses.

(3) Any person convicted of violating this section shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the state penitentiary for not less than one (1) year nor more than twenty (20) years.

Alachua County

1: Handgun means any weapon commonly refererd to as a pistol, other than a BB gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

2: No retail establishment or pawn shop shall sell or deliver a handgun to any purchaser until three (3) complete days have elapsed after application to purchase has been made.

3: No wholesale establishment shall sell or deliver a handgun to any purchaser except to another wholesale establishment or retail establishment until three (3) complete days have elapsed after application to purchase has been made.

4: It shall be unlawful for anyone to purchase a handgun from any establishment mentioned in Sections 2 and 3 hereof without a valid application hereinafter provided for.

5: All sales and deliveries of handguns except as provided in Section 3 hereof shall require an approved application form to be filed with the seller by applicant. Applications for the purchase of handguns shall be available only in the office of the Sheriff of Alachua County, Florida. The Board of County Commissioners shall provide the application form which shall include such statistical data as shall be necessary to identify the applicant. All applications shall be completed in the Sheriff's Office and signed by the applicant in duplicate, the original to be retained by the Sheriff.

6: * * * Before the sale or delivery of a handgun within Alachua County, the Seller shall be required to receive from buyer the copy of the approved application. Should the seller determine or have reason to believe that the application has been forged or contains false information, he shall make no sales based thereon but shall immediately report such information to the Sheriff's Office for further investigation.

Bay Harbor Islands

2. Any person who shall have in his possession in the Town of Bay Harbor Islands any pistol, revolver, or other firearm, or any dangerous or deadly weapon of a size which may be concealed upon the person, without a written license therefor, issued to him as hereinafter prescribed, shall be guilty of a misdemeanor. Possession shall include but not be limited to in a person's house or in his automobile.

11. Every license issued pursuant to this ordinance shall expire on the first day of May after the date of issuance, provided, however, that any such license may be limited as to time to expire on a date fixed in the license prior to such date. Each license issued to possess a weapon not to be carried on the person shall specify the place where the licensee shall possess the same. Each original application for a license to carry a weapon on the person shall be accompanied by a photograph of the applicant in duplicate which photograph shall be taken within thirty (30) days prior to the filing of such application and one copy of which shall be attached to the license and the other remain with the application.

13. This ordinance shall not apply to sheriffs, policemen, or to other duly appointed peace officer, nor to duly authorized members of military or civil organizations when parading, nor to the members thereof when going to and from the place of meeting of their respective organizations.

Belle Glade

17-40. *Weapons—Procedure for acquiring.* (a) It is unlawful for any person to purchase, acquire or receive delivery of any pistol or revolver of any description unless he has first filed a notice of intent to acquire same with the chief of police.

(c) It is unlawful for any person to sell, barter, exchange or deliver, or cause to be delivered, any revolver or pistol to any other person without having previously obtained the registration certificate hereinbefore described from the person seeking actual delivery of such firearm and, upon receipt of such certificate, it is unlawful to fail to report to the chief of police within twenty-four (24) hours thereafter the serial number of such revolver or pistol and the name and address of the person to whom it is delivered.

Boynton Beach

17-50. *Same—Sale, purchase from, furnishing to persons under influence of drugs, alcohol, etc.; minors.* It shall be unlawful for any person to purchase from, sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor.

Clearwater

13-32. *Buying or receiving goods from minors.* It shall be unlawful for any person conducting an auction house, or for any pawnbroker, junk dealer or secondhand dealer to loan money to or buy or receive from any minor any goods, chattels or other article of personal property; provided, however, this section shall not apply to any minor who has in his possession the written consent to the proposed transaction signed by a parent or guardian, nor shall it apply to any minor whose disabilities of nonage have been removed as provided by law.

13-34. *Chapter applies to guns, pistols, etc.* All the provisions herein provided for receiving, registering, reporting, holding and disposing of personal property generally shall specifically apply to pistols, guns and firearms of all kinds.

Cocoa Beach

15-35. *Weapons—Dangerous—Sale, loans, etc., to intoxicated persons, etc.* It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

15-36. *Firearms—Possession by felons, intoxicated persons, etc.* It shall be unlawful for any person who has been convicted of a felony, or who is under the influence of alcohol or a narcotic or drug to wear or have about his person or in any vehicle in which he is an occupant any firearm or other dangerous or deadly weapon.

Coral Gables

20-15. *Firearms—Sale.* (a) Definition. The word "firearm" as used in this section shall be construed to mean any revolver, pistol, auto-loading pistol, any modified shotgun or rifle having an overall length of less than 26-inches, rifles having barrels less than 16-inches, and shotguns having a barrel length of less than 18-inches, machine guns, submachine guns and machine pistols or any fully automatic weapons capable of firing more than one shot at each pull of the trigger. This section shall not apply to any antique weapons with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique rifles using ammunition which is no longer manufactured or commercially sold.

(b) Application. Any person desiring to purchase or receive delivery of a revolver or other firearm shall be required to give the seller or the person from whom delivery shall be obtained, whether by purchase or gift, in writing, on a form to be supplied by the chief of police, a duplicate statement containing true and correct information which shall be signed by the applicant, * * *.

(c) Sale of firearms to minors restricted. It shall be unlawful for any person knowingly and wilfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one (21) years unless accompanied by a parent or guardian, in which event, both the minor and the parent or guardian shall be required to fill out the application form, as provided in section 20-15(b) hereof.

(d) Sale of firearms to felons prohibited. It shall be unlawful for any person knowingly or wilfully to sell, lend, give or deliver any firearm to any person convicted of a felony.

(e) Sale of firearms to users of narcotics prohibited. It shall be unlawful for any person knowingly or wilfully to sell, lend, give, or deliver any firearm to any person addicted to the use of narcotics, or users of drugs, stimulants or depressants.

(f) Sale of firearms to persons under the influence of intoxicating beverages. It shall be unlawful for any person knowingly or wilfully to sell, lend, give or deliver any firearm to any person under the influence of intoxicating beverages.

20–16.1. *Same—Waiting period required; investigation.* (a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving or delivering the firearms, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm (make, model, barrel length, caliber, type, finish) to the chief of police by first class mail, not later than twenty-four (24) hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two (72) hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of a firearm may be made after a twenty-four (24) hour waiting period, only, under the circumstances and to those persons listed below:

(1) Applicant must furnish any United States of America, State of Florida, County, or Municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of said I.D. card. The above shall be issued in the name of the purchaser and signed by him, and shall be on an approved list promulgated by the chief of police.

(2) Applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two (72) or twenty-four (24) hour waiting period required:

(1) Wholesale dealers who have valid state, county and/or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county and/or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

(2) Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, State of Florida, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two (72) hour or twenty-four (24) hour waiting period, as set forth in the foregoing provisions of sections 20–15, 20–16, and 20–16.1, the following information shall be imprinted on the application:

The issuing agency or authority;

The card number;

The name and address identical to that on the card.

(3) Persons who are on record with the police department as having previously purchased a pistol, revolver, or firearm as defined in section 20–15 (a) hereof.

(4) Persons trading an operable pistol, revolver or firearm, as defined in section 20–15 (a), for another similar operable pistol, revolver or firearm.

(d) The provisions of section 20–16 shall not apply to gun shows, conferences or conventions which are staged by a duly recognized nonprofit state or national organization.

Dade County

21–7. *Sale of firearms to.* It shall be unlawful for any person to sell or offer for sale, barter or exchange or offer to barter or exchange to or with any minor under the age of twenty-one years any pistol or other firearm capable of inflicting bodily harm except upon written parental consent.

21–16. *Sale, loan, etc., weapons to intoxicated persons, etc.* It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the county to such person.

21–20. *Registration of sales and transfers required;* * * *. (c) Waiting period required. The person to whom such pistol, revolver or other firearm is sold, leased or otherwise transferred shall wait, and the dealer shall require him to wait, a period of seventy-two (72) hours prior to such person acquiring possession of such pistol, revolver or other firearm.

(d) Fictitious name prohibited. Any person signing a fictitious name or address in such register is guilty of a violation of this section.

(e) Exceptions. This section shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the county, nor to sales or transfer of firearms that do not use a self-containing cartridge.

21–20.1. *Definitions.* (a) The word firearm as used in this division, shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, but the word firearm shall not be construed to mean guns that do not use self-contained cartridges.

(b) The word sale includes transfer, assignment, pledge, lease, loan, barter, or gift.

21–20.2. *License—Required to sell.* (a) It shall be unlawful for any person who, without being licensed as provided in this division, to engage in the business of selling or otherwise transferring any firearm, or to advertise for sale, or offer or expose for sale or transfer any firearm defined in section 21–20.1 or to engage in the business of repairing firearms or in the business of gunsmithing.

This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provision of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, state or national organization.*

*Compilers Note: Sections 21–16, 21–20, 21–20.1 and 20–20.2 have recently been amended, however, the amendments appear to be contradictory, therefore, the amendments have not been included in this edition.

21–20.13. *Sale of firearm with serial number defaced prohibited.* It shall be unlawful to sell any firearm whose serial number has been altered, changed, disfigured or defaced.

21–20.14. *Sale or delivery of firearms or ammunition to certain classes of persons.* It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is a habitual alcoholic, or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization.

De Land

21–21. *Weapons—Allowing minors or habitual drunkards to obtain firearms.* No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

21–25. *Same—Machine guns.* It shall be unlawful for any person to possess, use, keep or store any machine gun, sub-machine gun or similar firearm within the city. The provisions of this section shall not apply to the United States Army, Navy, National Guard or any duly constituted and authorized law enforcement officer of the United States government, the State of Florida, or the city.

Dunedin

15–35. *Same-Registration of small arms required.* It shall be unlawful for any person to own, possess, carry or otherwise have control of any .22 rifle, air rifle, air pistol or other similar device, in the city, unless first the ownership thereof be registered within the city.

15–37. *Change of ownership.* All changes of ownership or possession shall be registered in the same manner as provided in section 15–36.

Fort Pierce

19–50. *Weapons—Permit of purchasers required.* (a) It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, blackjack, metallic knuckles, handcuffs or other similar equipment used primarily by police officers, within the corporate limits of the city, unless and until a permit shall have first been obtained from the chief of police of the city by the person to whom such articles are to be sold or delivered.

Gainesville

18–40. *Sale to minors.* It shall be unlawful for any person to sell to any minor within the corporate limits of the city, a pistol, gun or other weapon shooting a cartridge.

For the purposes of this section, a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so de-

signed that by explosive force a bullet may be propelled from it.

Green Cove Springs

11-8. *Firearms—Permit for sale.* It shall be unlawful for any person to sell to any person any such pistols, revolvers, firearms which may be concealed upon the person or rifles of a caliber larger than .22 caliber without first having obtained a permit in writing from the chief of police or mayor of the city approving such sale to such person, which permit shall be kept by such person, on file for inspection by city officials for a period of one year from the date of such sale or other disposition.

11-9. *Same—Sale to minor, incompetent.* No person shall sell, give, lend or otherwise place in the possession of any minor, known habitual drunkard or known incompetent any pistol, revolver, firearm which may be concealed upon the person or rifle of a caliber larger than .22 caliber.*

Hallandale

782-1. *Definitions.* (a) The word "firearm" as used in this ordinance, shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, but the word "firearm" shall not be contrued to mean guns that do not use self-contained cartridges.

(b) The word "sale" includes transfer, assignment, pledge, lease, loan, barter, or gift.

782-2. *Unlawful to sell firearm without a license:* (a) It shall be unlawful for any person who, without being licensed as provided in this ordinance, to engage in the business of selling or otherwise transferring any firearm, or to advertise for sale, or offer or expose for sale or transfer any firearm defined in Section 1 of this ordinance, or to engage in the business of repairing firearms or in the business of gunsmithing. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers, or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized non-profit, state or national organization.

782-3. *Licenses to sell.* The city commission may grant licenses in the form prescribed by the city commission permitting the licensee to sell said firearms within the city on the premises named therein.

782-12. *Sale or delivery of firearms or ammunition to certain classes of persons.* It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the Seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is an habitual alcoholic, or is of unsound mind, or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization.

Hialeah

21-31. *Minors—Weapons, unlawful to distribute to.* It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen years of age; or to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents of such a minor, or the legal guardian of such minor.

21-42. *Weapons—Sales to minors under eighteen.* No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone under the age of eighteen years.*

21-44. *Same—Blank cartridges and pistols.* No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the City.

Hollywood

22-8. *Sale of firearms and ammunition—definitions. Ammunition.* All pistol or revolver ammunition, shotgun shells, metallic ammunition suitable for uses in rifles or any .22 caliber rimfire ammunition. No distinction shall be recognized between new and reloaded ammunition.

Firearms. Any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive.

Firearms and ammunition dealers' licenses. Any person engaged in the business of selling new or used firearms or ammunition or cartridge cases, primers, bullets or propellant powder, at wholesale or retail, and shall include pawnbrokers, or any person engaged in the business of repairing such firearms or manufacturing or fitting special barrels, stocks, trigger mechanisms or breech mechanisms to firearms.

22-9. *Same—Dealer's license.* (1) All firearms and ammunition dealers shall obtain a firearms and ammunition dealer's license from the city and the cost of same shall be fifty dollars ($50.00) per year.

Homestead

30-A. *Blank cartridge use prohibited.* No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the City of Homestead. No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone in the City under the age of eighteen years. No gun, revolver, pistol, cannon or firearm of any description shall be sold unless a record of the name and address of the person to whom such weapon is sold, shall be kept in a separate book by such selling agent, together with a record of the manufacturers' number or other marks by which such weapon may be identified.*

31-A. *Notice of intention to purchase firearms.* Any person desiring to purchase or receive delivery of a revolver or other firearm of any description shall hereby be required to first give to the seller or to the person from whom delivery shall be obtained, in writing, a duplicate statement containing true and correct information concerning his/her name, occupation, residence and last prior residence before coming to the City of Homestead, Florida.

B. *Certificate on purchase of firearms.* No person shall sell, barter, exchange or deliver, or cause to be delivered any revolver or other firearm of any description to any person, without having previously obtained in writing from the person seeking actual delivery of such firearms, a statement of his/her true name, occupation, residence and the last previous residence before coming to the City of Homestead, Florida.

69-02-4:1. *Declaration of emergency.* Whenever the Mayor, Vice-Mayor or the City Manager determines that there has been an act of violence or a flagrant and substantial defiance of or resistance to a lawful exercise of public authority, and that, partly on account thereof, there is reason to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience of the law, and substantial injury to persons or to health, safety, welfare or protection of persons, or damage to property, all of which constitutes a threat to public peace or order and to the general welfare of the city or a part or parts thereof, he may declare that a state of emergency exists within the city or any part or parts thereof.

2. *Authority of mayor, vice-mayor or city manager to declare emergency measures.* Whenever the Mayor, Vice-Mayor or the City Manager declares that a state of emergency exists, the emergency measures provided in Section 4 of this Ordinance shall thereupon be in effect during the period of said emergency and throughout the city, and the Mayor, Vice-Mayor or the City Manager may order and promulgate all or any of the emergency measures provided in Section 4 of this Ordinance, in whole or in part, and with such limitations and conditions as he may deem appropriate, and any such emergency measure so ordered and promulgated shall thereupon be in effect during the period of said emergency, and in the area or areas for which the emergency has been declared. * * *.

3. *Definitions. Firearm.* The term "firearm" shall mean any revolver, pistol, automatic loading pistol, shotgun or rifle, machine gun, submachine gun, machine pistol or any fully automatic weapon capable of firing more than one shot at each pull of the trigger.

4. *Emergency measures.* (a) The sale or other transfer of possession, with or without consideration, offer to sell or so transfer, and the purchase of any ammunition or firearms of any size or description is prohibited.

(c) The possession in a public place of a firearm by any person, except a duly authorized law enforcement official or person in military service acting in the official performance of his duty, is prohibited.

(d) The possession of any firearm in any place, public or private, by a non-resident who has not been issued a permit for the purchase and possession of firearms, is prohibited.

(j) The possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid or gas is prohibited.

Jacksonville

328.101. *Certificate from sheriff required for license to deal in certain firearms.* No office of the City shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the Sheriff a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. * * *.

328.202. *Allowing minors or habitual drunkards to obtain firearms.* It shall be unlawful and a Class D offense against the City for any person to sell, give, lend or otherwise

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.*

328.205. *Machine guns.* It shall be unlawful for any person to possess, use, keep or store any machine gun, sub-machine gun or similar firearm within the City. The provisions of this section shall not apply to the Armed Forces or any duly constituted and authorized law-enforcement officer of the United States government, the State of Florida, or the City.

Jacksonville Beach

16–10. *Concealable weapons—Certificate from city council prerequisite to license to deal in.* No officer of the city shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the city council a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. * * *.

16–11. *Same—Registry of firearms sold; information to be registered; weekly report to police of sales; permit for each sale.* * * * provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapon without first having obtained a permit in writing from the chief of police or city manager approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

16–13. *Same—Allowing minors or habitual drunkards to obtain firearms.* No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard any pistol, revolver or other weapon which may be concealed on the person.*

Lantana

16–25. *Same—Sale prohibited without permit.* No dealer or vendor in firearms, shall sell, hire, barter, lend or give to any other person any pistol, gun or other firearm, except upon written permit of the chief of police, provided that nothing in this section shall prevent the sale, hire, barter, loan or gift of any such weapon to any duly authorized law enforcement officer of the United States, State of Florida, or any political subdivision thereof, for such officer's use in the discharge of his duties.

Miami

61–1. *Sale of firearms generally.* (a) "Firearm" defined. The word "firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however 1. any pneumatic gun, spring gun, or B–B gun which expels a single globular projectile not exceeding .18 inch in diameter; 2. any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or 3. any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

(d) "Sale to minors restricted." It shall be unlawful for any person knowingly and willfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one unless accompanied by a parent or guardian, in which event both the minor and the parent or guardian shall be required to fill out the application form.

(e) "Sale to felons prohibited." It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person convicted of a felony.

(f) "Sale to users of narcotics prohibited." It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person addicted to the use of narcotics or users of drugs, stimulants or depressants.

(g) "Sale to persons under the influence of intoxicating beverages." It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person under the influence of intoxicating beverages.

61–2. *Delivery of firearms.* (a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving or delivering the firearm, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm, and also description of the firearm (make, model, barrel length, caliber, type, finish) to the chief of police by first class mail, not later than twenty-four hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of a firearm may be made after a twenty-four hour waiting period only under the circumstances and to those persons listed below:

1. Applicant must furnish any United States of America, state, county or municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of such I.D. card. The above shall be issued in the name of the purchaser and signed by him, and shall be on an approved list promulgated by the chief of police.

2. The applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two hour or twenty-four hour waiting period required:

1. Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

2. Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two hour or twenty-four hour waiting period, as set forth in the foregoing provisions, the following information shall be imprinted on the application:

a. The issuing agency or authority.

b. The card number.

c. The name and address identical to that on the card.

3. Persons who are on record with the police department as having previously purchased a pistol, revolver or firearm as defined in section 61–1(a).

4. Persons trading an operable pistol, revolver or firearm, as defined in section 61–1 (a), for another similar operable pistol, revolver or firearm.

(d) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged by a duly recognized nonprofit state or national organization.

61–3. *Sale of weapons, firearms, tear gas pens, etc., to minors.* (a) It shall be unlawful for any person to sell, offer for sale, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, dirk or other deadly weapon, to any minor under seventeen years of age.*

(b) It shall be unlawful for any person to sell, offer to sell, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, dirk or other deadly weapon, to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents or the legal guardian of such minor.

61–4. *Purchase by other persons of prohibited articles for minors.* It shall be unlawful for any minor to engage or utilize the services of any other person, and it shall be unlawful for any person, whether for remuneration or not, to procure for such minor any article which the minor himself is prohibited by law to purchase.

61–5. *Sale, etc., of firearms to intoxicated, etc., persons.* It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulate or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the city to such person.

45A–1 *"Definitions.* "Firearm". The term "firearm" shall mean any revolver, pistol, automatic loading pistol, shotgun or rifle, machine gun, submachine gun, machine pistol or any fully automatic weapon capable of firing more than one shot at each pull of the trigger.

45A–3. *Authority of City Manager to declare emergency measures.* Whenever the City Manager declares that a state of emergency exists, the emergency measures provided in Section 4 of this Ordinance shall thereupon be in effect during the period of said emergency and throughout the city, and the City Manager may order and promulgate all or any of the emergency measures provided in Section 4 of this Ordinance, in whole or in part, and with such limitations and conditions as he may deem appropriate, and any such emergency measure so ordered and promulgated shall thereupon be in effect during the period of said emergency, and in the area or areas for which the emergency has been declared. Upon the declaration of an emergency by the City Manager, as soon as practicable, the Commission shall imme-

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

diately convene for the purpose of determining whether or not an emergency does exist. Their finding in the matter shall be conclusive. Upon finding that no emergency does in fact exist, this Ordinance shall not be operative.

45A-4. *Emergency measures.* (a) The sale or other transfer of possession, with or without consideration, offer to sell or so transfer, and the purchase of any ammunition or firearms of any size or description is prohibited.

(c) The possession in a public place of a firearm by any person, except a duly authorized law enforcement official or person in military service acting in the official performance of his duty, is prohibited.

(d) The possession of any firearm in any place, public or private, by a non-resident who has not been issued a permit for the purchase and possession of firearms, is prohibited.

Miami Beach

25.104. *Sale of firearms, generally.* (a) "Firearms" defined. The word "firearm" as used in this section and the following sections shall be construed to mean any revolver, pistol, automatic pistol, shotgun, rifle, machine gun, sub-machine gun, machine pistol, or any fully automatic weapon capable of firing more than one shot at each pull of the trigger, or any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, or any firearm muffler or any firearm silencer, or any part or parts of such firearms. This section and the following section, shall not apply to any automatic weapon with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique or replicas of cartridge pistols, or rifles using ammunition which is no longer manufactured or commonly sold, or to stud guns used as tools by tradesmen.

25.105. *Sale of firearms.* It shall be unlawful for any dealer or person licensed to sell firearms, to sell, lend, lease, give or deliver any firearm to any person unless such person first presents to the dealer or vendor an application approved by the chief of police.

25.110. No firearm shall be delivered to any person until 72 hours after the sale of any firearm.

25.112. It shall be unlawful for any person knowingly and wilfully to sell, lease, lend, give or deliver any firearm to any person under the age of 21; or to any person convicted of a felony, or to any person addicted to the use of narcotics, or to users of drugs, stimulants or depressants, or to any person of unsound mind, or to any person under the influence of intoxicating beverages, or to any person who has been released from a mental institution within the past five years.

25.112.1. The following persons shall be exempt from the provisions of this ordinance: (a) Members of the militia, national guard, Florida state guard, army, navy, air force, marine corps, coast guard, the organized reserves, and other armed forces of the state and of the United States, when on duty, or when training or preparing themselves for military duty, or while subject to recall or mobilization;

(b) Sheriffs, marshals, prison or jail wardens, constables, policemen, Florida highway patrolmen, game wardens, revenue officers, forest officials, and other peace and law enforcement officers, their full-time paid deputies and assistants; full-time paid peace officers of other states, and of the federal government who are carrying out official duties while in Florida;

(c) Officers or employees of the state or United States duly authorized to carry a concealed weapon.

25.112.2. The following shall be exempt from the 72-hour waiting period required: (a) Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers in the regular or ordinary transportation of unloaded firearms.

(b) Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or Municipal) as special police officers. The applicant must present an I.D. card from the issuing authority. Whenever an identification card is utilized for the waiver of the 72-hour waiting period as set forth in the foregoing provisions, the following information shall be imprinted on the application: (1) The issuing agency or authority. (2) The card number. (3) The name and address identical to that on the card.

(c) Persons who are on record with the Police Department as having previously purchased a pistol, revolver or firearm.

25.115. No person shall engage in the business of selling firearms unless a license shall have been procured from the City Council as herein provided, and it shall be unlawful for any person to engage in the business of selling firearms without first procuring such license from the City Council.

Mount Dora

14-35. *Minors prohibited from buying firearms, ammunition, explosives.* It shall be unlawful for any person under eighteen (18) years of age to purchase firearms, "BB" pellets or ammunition of any and all types including 22-caliber ammunition, or any other explosives, from any merchant, business house or vendor in the city.

14-36. *Merchant prohibited from selling firearms, ammunition, explosives to minors.* It shall be unlawful for any merchant, business house or vendor, or any person, firm or corporation to sell to any person under eighteen (18) years of age any firearms, "BB" pellets, or ammunition of any and all types, including 22 caliber ammunition, or any other explosives, within the city.

Neptune Beach

16-69. *Weapons—Certificate from city council prerequisite to license to deal in.* No officer of the city shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the city council a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. * * *.

16-70. *Same—Registry of firearms sold; information to be registered; weekly report to city marshal of sales; permit for each sale.* It shall be unlawful for any person to sell or otherwise dispose of any of the weapons, hereinabove mentioned, without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapons without first having obtained a permit in writing from the city marshal or city council approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

16-72. *Same—Allowing minors or habitual drunkards to obtain firearms.* No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard any pistol, revolver or other weapon which may be concealed on the person.*

North Palm Beach

3. *Sales to intoxicated persons and minors.* No pawnbroker, second-hand dealer or other person engaged in business in the Village shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.*

Ocala

15-96. *Firearms—Sale to intoxicated persons or minors.* It shall be unlawful for any person to purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years.*

Palm Beach Gardens

17-10. *Concealed weapons; selling weapons; possession of weapons. No person within the city shall:* (g) Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years, or to any known convicted felon who has not had his civil rights restored according to law.*

Pasco County

1: *Definitions.*—As used in this chapter: "Pistol" means any small firearm, loaded or unloaded, with a barrel of twelve (12) inches or less, fired by hand. The term shall include all firearms having one or more barrels, such as revolvers, automatics, derringers and the like, capable of discharging loaded ammunition.

"Purchaser" means any person who receives a pistol from another by purchase, exchange, gift or loan.

"Seller" means any person who sells, furnishes, loans, exchanges, gives or in anyway delivers a pistol to another.

2: *Seventy-two hour waiting period required.*—No sale or delivery or exchange of any pistol or revolver shall be made to a purchaser until the expiration of seventy-two (72) hours from the time that an initial offer to purchase said pistol or revolver is made by the purchaser to the seller.

Pinellas County

1: *Definitions.* (a) Firearm as used in this division shall be construed to mean any firearm, weapon, revolver, pistol, auto-loading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile or gas through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, and originally designed or altered to be used by one hand and having a barrel length of less than 16 inches, and an overall length of less than 26½ inches, but the word firearm shall not be construed to mean guns that do not use self-contained cartridges.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

(b) Saturday Night Special shall mean any firearm which is 32 caliber or smaller, whose barrel is less than 3 inches, except those whose frame is an investment cast or forged steel, or investment cast or forged high tensile alloy.

(c) Sale includes transfer, assignment, pledge, lease, loan, barter, or gift.

2: *Prohibition.* It shall be unlawful for any person to sell or otherwise transfer any Saturday Night Special as defined hereinabove or offer or expose for sale or transfer any such Saturday Night Special.

3: *Exception.* The sale of Saturday Night Specials to law enforcement agencies or for authorized military use shall not be subject to the limitations herein set forth.

Pinellas Park

13–16 (67). *Guns, dealers in revolvers, pistols, ammunition, etc.* Approval of city manager with the recommendation of police department as well as separate license in addition to other retail merchant's license required.

Pompano Beach

31.16. *Firearms, discharging; sale of ammunition.* * * *. (b) It shall be unlawful for any person to sell, barter or give to any other person under the age of sixteen (16) years in the city, ammunition for a firearm, air rifle or air pistol (commonly known as BB guns); provided, however, that this ordinance shall not apply to parents or guardians giving such ammunition to their own children, in case of a parent, or to the children over whom they may have lawful custody and control, in the case of a guardian.*

31.62. *Acts deemed unlawful during emergency.* (b) *Closing of business establishments*—It shall be unlawful for any person or business establishment which is of the type ordered to close without regard to its location within the city, or which is ordered to close because of its location within an area of disorder, to:

(2) Continue selling, distributing or giving away of any firearms or ammunition of any character whatsoever; * * *.

Quincy

35–1. *License to sell—Required.* No person shall, within the corporate limits of the city: (a) Engage in the sale of pistols, machine guns or submachine guns, or (b) Operate or manage any business where pistols, machine guns or submachine guns are sold, without first procuring a license for the sale of same as provided herein.

35–9. *Licensee may not sell outside place of business.* No licensee shall make sale of, or sell, any pistols, machine guns or submachine guns outside of the place of business licensed hereunder.

35.12. *Registration of pistols, machine guns and submachine guns required.* No person shall, within the corporate limits of the city:

(a) Owners or possessors. Own or possess, or have in his possession, custody or control, a pistol, machine gun or submachine gun, without first having registered the same with the chief of police.

Riviera Beach

13–36. *It shall be unlawful* for any dealer in arms, guns, rifles or other weapons, to sell to minors any pistol, rifle, repeating rifle, tear gas, gun, flair, gun, bowie knife or dirk knife, brass knuckles, slingshot or any type of air pressure rifle discharging B.B. shot or pellets, or any other type of dangerous weapon.*

South Miami

15–25. *Firearms-Notice of intent to purchase.* It shall be unlawful for any person to purchase or receive delivery of a revolver, rifle, or firearm of any description in the city without first filing a notice of such intention with the desk officer at the police station, in the city, giving his name, information concerning his residence, a full description of said firearm, and the place where such weapon will be obtained.

15–26. *Same—Selling or receiving without certificate.* It shall be unlawful to sell, barter, exchange or deliver, or cause to be bought, sold, bartered or exchanged or delivered, any revolver, gun, rifle or other firearm to any person in the city without having previously obtained a registration certificate * * *, from the person seeking actual delivery of such firearm, * * *.

St. Petersburg

25.76. *Same—sale to minors.* It shall be unlawful for any person to sell to any minor within the corporate limits of the city, a pistol, gun or other weapon shooting a cartridge.*

For the purposes of this section a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

25.77. *Same—registration of sales of pistols, revolvers, and other like weapons.* (1) Every retail dealer who dealer who deals in and sells pistols, revolvers, or any other weapons which are generally described and referred to as a "hand gun" shall require the purchaser to register his name, age and place of residence in a book the dealer shall keep for that purpose. The dealer shall record in said book the date of sale, the make, model, type, and the number of the weapon purchased. This register shall be available for the inspection of any law enforcement officer, and be kept available for two years from the date of purchase. A card shall be furnished to the police department containing the particulars aforesaid on a form furnished by such department within a reasonable time after each sale.

(2) It shall be unlawful for any dealer of weapons described in Paragraph (1) or any agent or employee to fail or refuse to comply with the provisions of said Paragraph.

(3) It shall be unlawful for any person purchasing a weapon as described in Paragraph (1) to give a false name, age or place of residence as provided in this Section.

(4) This section shall not be applicable to the sale of any bona fide antique weapon that is incapable of being fired.

Surfside

13–43. *Same—Receiver of firearms to furnish certain information in writing.* Any person in the town desiring to purchase or receive delivery of a revolver or other firearm of any description shall be and hereby is required first to give to the seller or to the person from whom delivery shall be obtained, in writing, a duplicate statement containing true and correct information concerning his name, occupation, residence and last prior residence before coming to the town.

13–44. *Same—Seller of firearms to obtain designated information in writing.* It shall be unlawful for any person to sell, barter, exchange or deliver, or cause to be delivered any revolver, gun, or other firearm to any other person, without having previously obtained, in writing, from the person seeking actual delivery of such firearm, a statement of his true name, occupation, residence, and the last previous residence before coming to the town.

13–46. *Same—Report to police of possession.* Any person having in his possession, actually or constructively, any revolver, gun or other firearm of any description, within the town, shall file with the police department a certificate or statement in writing giving his true name, occupation, residence, and a full and complete description of such revolver, gun or other firearm in his possession.

Tallahassee

3. *It shall be unlawful* for any person, firm or corporation within the City of Tallahassee to sell, give, lend or otherwise place in the possession of any minor any pistol, revolver or other firearm which may be concealed on the person.*

Tampa

24–114. *Firearms—Machine guns, "sawed-off" shotguns and rifles prohibited.* It shall be unlawful for any person to have in his possession within the corporate limits of the city any machine gun, or shotgun or rifle having a barrel of less than twenty (20) inches in length, or any firearm equipped with a silencer, or any other firearm, which is capable of being concealed on the person. This section shall not apply to a pistol, revolver, or blank or tear gas gun authorized by this chapter. This section shall not be applicable to regular law enforcement officers who are permanently employed and devote their full time as federal, state, county or municipal law enforcement officers.

24–116. *Molotov cocktail, firebombs, etc.;* * * *. (a) It shall be unlawful for any person to make, carry, possess or use any type of "Molotov cocktail," gasoline or petroleum base firebomb, or any other incendiary missile or any explosive bomb, device or missile unless the same is otherwise permitted as a lawful act pursuant to the laws and ordinances of this city.

West Miami

14–16. *Minors—sale of weapons to.* It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age. It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents, or legal guardian of such a minor.*

West Palm Beach

51.1. *Permit for purchase, sale, etc.—Required.* It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, blackjack, knuckles, handcuffs or other similar equipment used primarily by police officers, within the city, unless and until a permit shall have first been obtained from the chief of police by the person to whom such article is to be sold or delivered.

GEORGIA

State Law

GEORGIA CODE ANN. TITLE 26

26–1404. *Criminal possession of explosives.* A person commits criminal possession of explosives when he possesses, manufactures, or transports any explosive compound and

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

either intends to use such explosive to commit a felony or knows that another intends to use such explosive to commit a felony. A person convicted of criminal possession of explosives shall be punished by imprisonment for not less than one nor more than 10 years.

26–1405. *Criminal possession of an incendiary.* (a) A person commits criminal possession of an incendiary when he possesses, manufactures, sells, offers for sale, gives away, or transports a fire bomb or molotov cocktail.

(b) The terms "fire bomb" and "molotov cocktail" mean any device, by whatever name called, made of a breakable container containing a flammable liquid or compound with a flash point of 150 degrees Fahrenheit or less which has a wick or any similar material, which, when ignited, is capable of igniting such flammable liquid or compound when such device is thrown or dropped. These terms do not include a device which is manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving or other hazards on streets, roads, highways and bridges.

(c) Subsection (a) does not apply to a device coming within the definition of subsection (b) when it is in the use, possession or control of a member of the armed forces of the United States, or a fireman or a law enforcement officer when acting in his official capacity or otherwise under proper authority.

(d) A person convicted of criminal possession of an incendiary shall be punished by imprisonment for not less than one nor more than three years, or by a fine not exceeding $1,000 or by both.

26–2905. *Furnishing weapons to minors.* A person commits a misdemeanor when he knowingly sells to or furnishes to a person under the age of 21 years a pistol, metal knuckles, or knife designed for the purpose of offense and defense.

26–2906. *Machine guns; sale, etc., illegal.* A person commits a felony when he sells, manufactures, purchases, possesses, or carries a machine gun and upon conviction shall be punished by imprisonment for not less than one nor more than five years. A machine gun is any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device. This section shall not apply to or affect the manufacture, for, or the transportation, or sale of machine guns to persons exempted under section 26–2907, provided said machine guns are broken down in a non-functioning state or are not immediately accessible.

26–2907. *Exemptions.* Sections 26–2901, 26–2902, 26–2903, and 26–2906 shall not apply to or affect any of the following persons while engaged in pursuit of official duty or when authorized by Federal or State law, regulation or order: (1) peace officers; (2) wardens, superintendents, and keepers of prisons, penitentiaries, jails, or other institutions for the detention of persons accused or convicted of an offense; (3) persons in the military service of the State or of the United States; (4) persons employed in fulfilling defense contracts with the Government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract.

A prosecution based upon a violation of sections 26–2901, 26–2902, 26–2903, or 26–2906 need not negative any exemptions.

CHAPTER 26–99A. CRIMINAL PROVISIONS UNOFFICIALLY CODIFIED.

26–9910a. *Georgia firearms and weapons act; short title.* This law [§§ 26–9910a through 26–9916a] shall be known and may be cited as the "Georgia Firearms and Weapons Act."

26–9911a. *Same; possession of certain types of firearms, dangerous weapons and silencers prohibited.* No person shall have in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer, except as provided in section 26–9914a.

26–9912a. *Same; punishment.* A person commits an unlawful possession of firearms or weapons when he knowingly has in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer, as defined in this law [§§ 26–9910a through 26–9916a], and upon conviction for such he shall be punished by imprisonment for not less than one nor more than five years.

26–9913a. *Same; definitions.* (a) The term "sawed-off shotgun," as used in this law [§§ 26–9910a through 26–9916a], shall mean any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosives in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger, and which has an overall length of 15 inches or less.

(b) The term "sawed-off rifle," as used in this law, shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and which has a barrel (or barrels) of less than 16 inches in length (or has an over-all length of less than 26 inches).

(c) The term "machine gun," as used in this law, means any weapon which shoots, or is designed to shoot, automatically, more than six shots, without manual reloading, by a single function of the trigger.

(d) The term "dangerous weapon," as used in this law, shall mean any weapon commonly known as a "rocket launcher," "bazooka" or "recoilless rifle," which fires explosive or nonexplosive rockets designed to injure or kill personnel or destroy heavy armor or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "mortar" which fires high explosive from a metallic cylinder, and which is commonly used by the armed forces as an anti-personnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel or similar weapon used for such purpose.

(e) The term "person," when used in this law, shall include any individual, partnership, company, association or corporation.

(f) The term "silencer," when used in this law, shall mean any device for silencing or diminishing the report of any portable weapon, such as rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or other device from a shot, bullet or projectile may be discharged by an explosive.

26–9914a. *Same; exceptions to provisions of law.* The provisions of this law [§§ 26–9910a through 26–9916a] shall not apply to:

(a) A peace officer of any duly authorized police agency of this State or of any political subdivision thereof, or a law enforcement officer of any department or agency of the United States, who is regularly employed and paid by the United States, this State or any such political subdivision, or an employee of the Board of Corrections of this State who is authorized in writing by the director thereof to transfer or possess such firearms while in the official performance of his duties.

(b) A member of the National Guard or of the armed forces of the United States, to-wit: the Army, Navy, Marine Corps, Air Force or Coast Guard, who, while serving therein, possesses such firearm in the line of duty.

(c) Any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which has been modified or changed to the extent that it is inoperative. Examples of the requisite modification include: weapons with their barrel or barrels filled with lead or hand grenades filled with sand or other nonexplosive materials.

(d) Each sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which is possessed by a person who is authorized to possess the same because he has registered the sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer in accordance with the dictates of the National Firearms Act, approved August 16, 1964, 68A Stat. 725 (26 U.S.C. 5841–5862).

26–9915a. *Same; burden of proof of exceptions, etc.* In any complaint, information, accusation or indictment, and in any action or proceeding brought for the enforcement of any provision of this law [§§ 26–9910a through 26–9916a], it shall not be necessary to negative any exception, excuse, proviso or exemption contained in this law, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

26–9916a. *Same; construction of law.* This law [§§ 26–9910a through 26–9916a] shall be deemed and shall be construed to be cumulative of and supplemental to any existing laws of this State applicable to the subject or subjects governed by this law: Provided, however, that in the event any provisions of this law are in conflict with existing laws, then the provisions in this law shall govern and take precedence.

GEORGIA CODE ANN. TITLE 86

86–1302. *Closing places where firearms and ammunition are sold, etc.* Whenever any force of the organized militia is or has been called out for the performance of any duty under the provisions of section 86–106, it shall be lawful for the commanding officer of such force, if in his judgment the maintenance of law and order in the area into which such force has been ordered will be thereby promoted, to close places where arms and ammunition are sold, and all places where disorder is likely to occur.

86–9907. *Unlawful sale or disposal of arms or ammunition, etc.* Any person who shall sell or dispense arms or ammunition in violation of an order of a commanding officer under the authority of section 86–1302, or who shall maintain a place ordered to be closed under said authority, shall be guilty of a felony, and upon conviction thereof shall be confined to the penitentiary for not less than two nor more than five years.

GEORGIA CODE ANN., TITLE 92A

92A–901. *License for dealers.* Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who shall sell, dispose of, or offer for sale, or cause or permit to be sold, disposed of or offered for sale any caliber pistol, revolver or short barreled firearm of less than 15 inches in length, whether the same shall be their own property or whether they shall sell the same as agents or employees of others, shall obtain from the Department of Public Safety a license permit-

ting the sale of said caliber pistols and guns. Nothing in this Chapter shall apply to or prohibit the casual sales of the articles referred to between individuals or bona fide gun collectors.

92A-1601. *Purchase by Georgia residents in contiguous States.* Residents of the State of Georgia may purchase rifles and shotguns in any State contiguous to the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the contiguous State in which the purchase is made.

Atlanta

20-55. *Definition of "pistol."* A "pistol", for the purpose of this article, is any small firearm fired by hand, capable of being concealed upon the person or being strapped around some portion of the body. The term shall include all small firearms having one or more barrels, such as revolvers, automatics, derringers and the like, discharging ball or similar ammunition and usually called pistols.

20-56. *License to deal in pistols; required, prerequisite to issuance.* No license shall be issued to dealers in pistols, wholesale or retail, until the party applying for such license shall have received a special permit from the mayor and board of aldermen to deal in pistols.

20-61. *Sale of .22 caliber firearms prohibited; exception.* (a) It shall be unlawful for any person to sell, possess for sale, exhibit for sale, display or advertise for the purpose of sale, any .22 caliber pistol, revolver or derringer with a barrel three inches or less in length, which sells at a retail price of less than thirty-nine dollars ($39.00).

(b) It shall be unlawful for any person to sell, to possess for sale, exhibit for sale, display or advertise for the purpose of sale, any pistol, revolver, or derringer described in subsection (a), designed and manufactured to fire blank cartridges and ammunition containing explosive charges only, if such pistol, revolver or derringer may be adapted to fire cartridges and ammunition containing projectiles, provided, however, that this section shall not apply to any pistol, revolver, or derringer to be used in any organized high school, college, professional or other recognized athletic events.

20-62. *Sale, delivery, assembly of firearms constructed of materials with melting temperature of less than eight hundred degrees Fahrenheit prohibited.* (a) The term "weapon" means a firearm designed to be held and fired by the use of a single hand. The term also includes a combination of parts in the possession or under the control of a person from which a weapon can be assembled. The term does not include antique firearms, or any firearm which comes within the definition set forth in Section 5845(a) of the Internal Revenue Code of 1954.

(b) It shall be unlawful for any person to sell, deliver or assemble any weapon if the frame or receiver thereof is a die casting of zinc alloy or any other material which has a melting temperature of less than eight hundred (800) degrees Fahrenheit. All such weapons are hereby found and declared to be dangerous to the user and those in the immediate vicinity of the user.

20-66. *Registration required by aliens possessing firearms.* Every foreign born alien living within or coming into the city, having or gaining possession of any firearms, such as pistols, rifles, shotguns, machine guns or any other such instruments of any kind and character, shall register same with the chief of police, giving such information as may be required by the chief of police or those working under his orders. Aliens coming into the city and bearing or possessing any of the firearms described herein shall register same within twenty-four hours after arrival within the city.

20-67. *Disposition; permit required.* After any firearm, as is described in section 20-66, has been registered with the chief of police, no person shall dispose of same without a permit from the chief of police.

20-68. *Application for permit to dispose of firearm.* The application for the permit required by the preceding section shall give such information as may be required by the chief of police.

20-69. *Notice of purchase, possession to be given to chief of police.* No person shall purchase or come into possession of firearms from any alien without notifying the chief of police of his intention a reasonable time in advance and securing permission from such officer to obtain possession of same.

20-73. *Definitions.* As used in this article unless the context otherwise requires, terms shall have the meanings ascribed as follows:

Dealer means any person regularly engaged in the business of selling firearms as defined herein.

Firearms means any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification means any driver's license, birth certificate, U.S. military identification card, baptismal or christening certificate, employee's identification card provided same shows age and home address of employee and U.S. passport.

Person includes an individual, partnership, association or corporation.

20-74. *Identification of purchaser.* No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearm unless the person obtaining said firearm shall furnish identification to the said dealer setting forth his name, present address and age.

Augusta

14-8. *Ammunition—Sale, etc., to minors.* It shall be unlawful for any person to sell or furnish a minor with pistol ammunition or to sell or furnish a minor seventeen years of age and under with any other kind of ammunition, including rifle and shotgun ammunition * * *.*

Chatham County

11-9038.1 *Handguns.* (*a*). Every person desiring to purchase or otherwise acquire a pistol, revolver, or other type handgun in Chatham County, Georgia, outside the boundaries of any incorporated municipality therein, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, containing his full name, address, height, weight, race, date of birth, place of birth, and social security (or other identification) number, type of weapon, model, caliber or gauge, serial number and manufacturer. The application in duplicate shall be on a form as prescribed by the Chatham County Commissioners.

(b) The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the office of the Chief of Police of Chatham County. It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein. No person shall, within Chatham County, outside the boundaries of any municipality therein, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the office of the Chief of Police of Chatham County.

(c) No person within Chatham County, outside the corporate boundaries of any municipality therein, shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

(d) If, within the seventy-two hours waiting period required by this ordinance, the Chief of Police of Chatham County or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under 21 years of age, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon. A crime of violence, as used in this Ordinance, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

(e) This Ordinance shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind, or antique souvenir weapons used only for display or decoration purposes.

Columbus

14-64. *Same—Notice; investigation; approval; waiting period.* No person doing business in the city or its police district shall sell or deliver any pistol or pistol cartridges until all of the following regulations have been complied with strictly:

Before selling or delivering any pistol or pistol cartridges, such dealer shall notify, in writing, the chief of police, in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser and such prospective purchaser shall also submit to having his fingerprints taken by the police department of the city. The chief of police shall make full investigation, and should he, in his discretion, find that the prospective purchaser is of good moral character, and that such pistol or cartridges are desired for legal and purely defensive purposes only, he shall approve the sale; but if, on the other hand, the chief of police should find that the prospective purchaser is not of good moral character, or that the pistol or cartridges are desired for illegal purposes, or for other than purely defensive purposes, he shall disapprove the proposed sale, and when so disapproved, it shall be unlawful for any such dealer to sell or deliver such pistol

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

or cartridges to the prospective purchaser. In the absence of the chief of police, his duties and discretion hereunder shall be performed and exercised by the officer of the police department in charge of such department during the absence of the chief.

No pistol or pistol cartridges shall be sold or delivered by any such dealer until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

14–65. *Dangerous weapons; prohibited.* No person shall within the city or its police district, sell, exchange or keep on hand for the purpose of sale any of the following named articles: Shotgun or rifle with barrel length of less than eighteen inches, knucks, dirk, sword-cane, blackjack, Bowie-knife, spring-back knife, switch-blade knife, or any knife with a blade exceeding four inches in length; but it is not the intention hereof to prohibit case knives, butcher knives or other knives customarily used for domestic or industrial purposes only.

14–66. *Exclusion from chapter.* The preceding sections of this chapter are not applicable to pawnbrokers and pawnbrokers' sales stores, they being regulated by provisions of this Code specifically relating to them; but this chapter is applicable to all other persons, and the words "persons" or "person," as used herein, shall in addition to them, include their managers, agents, clerks and employees.

15–8. *Prohibited items—Receiving.* No pawnbroker or pawnbroker's sales store shall take in pawn, or receive, sell or exchange any of the following named articles: shotgun or rifle with barrel length of less than eighteen inches, knucks, dirk, sword-cane, blackjack, Bowie-knife, spring-back knife, switch-blade knife, or any knife with a blade exceeding four inches in length; but it is not the intention hereof to prohibit case knives, butcher knives or other knives customarily used for domestic or industrial purposes only.

15–9. *Same—Possessing.* No pawnbroker or pawnbroker's sales store shall own or keep on hand any of the weapons named or referred to in the preceding section hereof.

15–10. *Pistols and cartridges; sale, notice, police findings.* All pawnbrokers and pawnbrokers' sales stores shall at all times keep in their places of business a complete list and description of all pistols and pistol cartridges owned by them or held in pawn, and this provision applies also to pistols and cartridges purchased by such stores from regular dealers in pistols and pistol cartridges. All provisions of this chapter with reference to other articles shall be applicable to the keeping and sale of pistols and pistol cartridges, and in addition thereto the following regulations and prohibitions shall be applicable to pistols and pistol cartridges:

(a) No pawnbroker or pawnbroker's sales store shall sell any pistol or pistol cartridges unless and until all of the following regulations have been complied with strictly:

Before selling any pistol or pistol cartridges, the pawnbroker or pawnbroker's sales store shall notify, in writing, the chief of police, and in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser, and such prospective purchaser shall also submit to having his fingerprints taken by the police department. The chief of police shall make full investigation, and should he, in his discretion, find that the prospective purchaser is of good moral character and that such pistol or cartridges are desired for legal and purely defensive purposes only, he shall approve the sale; but if, on the other hand, the chief of police should find that the prospective purchaser is not of good moral character or the pistol or cartridges are desired for illegal purposes or for other than purely defensive purposes, he shall disapprove the proposed sale, and, when so disapproved, it shall be unlawful for the pawnbroker or pawnbroker's sales store to sell such pistol or cartridges to the prospective purchaser. In the absence of the chief of police, his duties and discretion hereunder shall be performed and exercised by the officer of the police department of the city in charge of such department during the absence of the chief.

(b) No pistol or pistol cartridges shall be sold by any pawnbroker or pawnbroker's sales store until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

Decatur

16–7.1. *Same—Sale, etc., by dealers—definitions.* For the purposes of sections 16–7.2 to 16–7.5, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer. Any person regularly engaged in the business of selling firearms as defined herein.

Firearms. Any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification. Any driver's license, birth certificate, U.S. military identification card, baptismal or christening certificate, employee's identification card; provided, same shows age and home address of employee and U.S. passport.

Person. An individual, partnership, association or corporation.

16–7.2. *Same—same—Identification of purchaser required.* No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearms unless the person obtaining such firearm shall furnish identification to the dealer setting forth his or her name, present address and age.

Jackson

Be it ordained by the Mayor and Council of the City of Jackson, and it is hereby ordained by the authority of the same that from and after the passage and adoption of this ordinance it shall be unlawful for any person to provide, furnish, or sell any pistol, rifle or gun to any person under the age of 21 to have, control, or possess any pistol or concealed weapons within such municipality and any person so violating this ordinance shall be guilty of disorderly conduct and subject to fine or imprisonment in the discretion of the Mayor or recorder.

Macon

14–28. *Permit required to sell or purchase pistol or revolver.* (a) It shall be unlawful for any person, merchant or pawnbroker in the City of Macon to sell any pistol or revolver to any person unless said person first presents to such person, merchant or pawnbroker a written permit issued to said person by the chief of police of the City of Macon authorizing him to purchase a pistol or revolver.

(b) It shall be unlawful for any person to purchase in the City of Macon any pistol or revolver from any person, merchant, or pawnbroker without first having secured from the chief of police of the City of Macon a written permit authorizing him to purchase a pistol or revolver.

(j) The provisions of section 14–28 of said Code, as herein enacted, shall not apply to sales of pistols or revolvers at wholesale by persons, firms and corporations, licensed by the City of Macon to sell the same at wholesale, to persons, firms or corporations, licensed by the City of Macon to sell pistols and revolvers at wholesale or retail, nor to sales at wholesale by such licensed wholesalers to any bona fide wholesale or retail dealer in pistols and revolvers whose establishment is located and whose business is transacted outside the corporate limits of the City of Macon, nor shall the provisions of section 14–28 of said Code, as herein enacted, apply to purchase of pistols and revolvers by such wholesale and retail dealers, it being the purpose and intent of this paragraph to exempt the bona fide sale at wholesale of pistols and revolvers from the application of section 14–28 of said Code.

(k) No person, who is the holder of a valid and subsisting license to carry a pistol or revolver, issued to him by the Ordinary of the County of his residence in the State of Georgia, pursuant to sections 26–5103 and 26–5104 of the Code of Georgia, 1933, annotated, shall be required to secure a permit from the chief of police in order to purchase a pistol or revolver in the City of Macon and sales of pistols and revolvers to persons, so licensed, are hereby authorized without the requirement of issuance of permits to purchase the same being issued to them by the chief of police.

Rossville

61. Be it ordained by the Mayor and the Council of the City of Rossville, Georgia: 1. That, from and after the final adoption of this Ordinance, all wholesale and retail sellers, vendors, and merchants selling, exchanging, or otherwise changing ownership or title to any and all types of firearms within the City of Rossville, Georgia, or conveying or transferring title thereto, shall, before actual delivery of such firearms, make and keep on file in his place of business a record and registration of such firearms. • • •

Savannah

"24–105. *Fire arms—Sale—Report and record.* Every person desiring to purchase or otherwise acquire in the City a pistol, revolver, or other type handgun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, containing his full name, address, height, weight, race, date of birth, place of birth, and social security (or other identification) number, the type of weapon, model, caliber or gauge, serial number and manufacturer. The application in duplicate may take the form of the United States Department of Treasury, Internal Revenue Service, Alcohol and Tobacco Tax Division Form 4473, "Fire Arms Transaction Record."

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the Office of the Chief of Police of the City of Savannah.

It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein.

No person shall, within the City of Savannah, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until

seventy-two hours shall have elapsed from the time of receipt of the application in the Office of the Chief of Police of Savannah.

No person within the City of Savannah shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

* * *. Within the seventy-two hour waiting period required by this Section, the Chief of Police of Savannah or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under 21 years of age, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon.

A crime of violence, as used in this Ordinance, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

This section shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind.

It shall be unlawful for any person to fail, refuse, or neglect to comply with the provisions of this Section."

Tifton

Be it enacted by the City of Tifton, by and through the Board of City Commissioners of said city, and it is hereby enacted by the authority of the same that from and after passage of this Ordinance it shall be unlawful for any person, firm, or corporation within the said city to keep on hand for sale or barter, or to sell to any person, firm or corporation, any pistols or revolvers, without first obtaining fom the authorities of said city a license to sell said pistols or revolvers.

Be it further enacted that any person engaged in the sale of revolvers or pistols after having obtained a license for such sales is by this ordinance prohibited from accepting in pawn any pistol or revolver from any minor.

Valdosta

18–39. *Weapons—Sales of, regulated.* (a) It shall be unlawful for any person, firm or corporation to sell to any purchaser any pistol, dirk or switch-blade knife without complying with the following provisions of this section:

(1) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser his or her name; place of residence; age; occupation, and a statement as to whether applicant has been convicted of any crime of violence or charged with the violation of criminal law in this or any other state.

(2) The information obtained by such inquiry shall be entered in writing or in print upon a printed form provided therefor by the police department and shall be made in duplicate. The duplicate copy shall be delivered at once by hand or by mail to the police department.

(3) Having obtained such information, the merchant or dealer, shall forthwith, before any sale is made, contact the chief of police, or, in his absence, one authorized to act in his stead, and inform the chief or his alter ego of the information obtained from the prospective purchaser. It shall then be the duty of the chief or of the officer authorized to speak for him to advise the merchant or dealer that he may, or may not, as the case may be, sell the object involved to the customer.

(4) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the purchaser, together with a duplicate of the answers made by him, all as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, if any, shall be entered on said form by said seller in the place provided.

(5) For obtaining the consent and approval of the police department to make such sale, the merchant or dealer may communicate with the chief of police or with one authorized by him to act in his stead in person or by telephone. In so doing the merchant or dealer shall give full and complete information with respect to the proposed purchaser, his name, age, color, place of residence, criminal record, if any, and such other information as the police may require. Failure to furnish truthful information on the part of such purchaser shall be deemed a violation of this section.

Waycross

1. *Definitions.* The following words as used in this chapter shall have the meanings ascribed to them: (1) *Firearm.* The word "firearm", as used in this chapter, shall be construed as including any pistol, revolver, rifle or shotgun of whatever form of action, caliber or gauge. (2) *Ammunition.* The word "ammunition" shall be construed as meaning any pistol or rifle cartridge or shotgun shell and like cartridges and shells, of any caliber or gauge with bullet or projectile or shots made up within the same shell or cartridge with the propelling charge.

2. *Permit to purchase, receive or accept—Required.* It shall be unlawful for any person to purchase, receive or accept in any manner any firearm or ammunition within the city without first having obtained a written permit from the chief of police of the city authorizing such person to receive or accept such firearm or ammunition.

No person shall sell, deliver, barter or give, or otherwise transfer a firearm or ammunition within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such firearm or ammunition. In no case shall any person deliver a firearm or ammunition to the person to whom it is to be sold or transferred until approved by the chief of police.

6. *Same—Transfer at time of sale and at time of reports.* It shall be the duty of any person who sells, transfers, or gives away any firearm or ammunition as provided in this chapter, at the time such sale, gift or delivery is made, to require the holder of such permit to deliver the permit to such person who sells, transfers or gives away any firearm or ammunition. It shall be the duty of any such person who sells, transfers or gives away any firearm or ammunition to deliver such permit to the chief of police at the time the report of such sale or gift is made, as provided in this chapter, (8–18–42, § 8.)

7. *Same—Chapter not to be construed as permit.* Nothing contained in this chapter shall be in any manner construed as a permit to carry a revolver, pistol or like firearm contrary to any ordinance of the city or the laws of the state. (8–18–42, § 9.)

8. *Reports of sales and gifts required.* Every person who sells, delivers or gives to any person in the city, except to regular dealers in such articles, any firearm or ammunition, shall, within twenty-four hours after making such sale or gift, make and file with the chief of police a legible report, written in the English language, stating therein the date of such sale or gift, the correct name, age, residence, height, weight, nationality and race of such purchaser or donee, and such written report shall also contain the make, kind, description, caliber, model, manufacturer's number or other marks of identification of such firearm or ammunition sold or delivered; provided, that each day of failure to make such report shall be a separate offense.

GUAM

***Repealed. See New Law following Wyoming**

8900.1. *Firearms and destructive devices prohibited.* No person shall manufacture, purchase, sell, possess or carry any firearm or destructive device other than as hereinafter provided. Handguns and long guns may be purchased, sold, transferred, possessed and carried in accordance with the provisions of this Chapter.

8900.2. *Chapter not applicable.* This Chapter shall not apply to: (1) Law enforcement officers while engaged in official duty except to the extent that particular provisions of this Chapter are expressly made applicable to them.

(2) Persons in the Armed Forces of the United States or the National Guard, whenever such persons are engaged in official duty except to the extent that particular provisions of this Chapter are expressly made applicable to them.

8900.3. *Definitions.* (a) 'Department' means the Department of Public Safety of the government of Guam.

(b) 'Handgun' means a pistol or revolver with an overall length less than eighteen (18) inches in length.

(c) 'Long gun' means a rifle with one or more barrels more than sixteen (16) inches in length, or a shotgun with one or more barrels more than eighteen (18) inches in length.

(d) 'Gun' means a handgun or long gun.

(e) 'Carry' means having on one's person or in a motor vehicle or other conveyance.

(f) 'Firearm' means (1) a shotgun having a barrel or barrels of less than eighteen (18) inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than twenty-six (26) inches or a barrel or barrels of less than eighteen (18) inches in length; (3) a rifle having a barrel or barrels of less than sixteen (16) inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than twenty-six (26) inches or a barrel or barrels of less than sixteen (16) inches in length; (5) any other weapon, as defined in subsection (j); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device. The term 'firearm' shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Director finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

(g) 'Machinegun' means any weapon which shoots, is designed to shoot, or can be readily

restored to shoot, automatically more than one shot, without manual reloading by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(h) 'Rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

(i) 'Shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

(j) 'Any other weapon' means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels twelve (12) inches or more, less than eighteen (18) inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

(k) 'Destructive device' means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellent charge of more than four (4) ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Director finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term 'destructive device' shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordinance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the Director finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

(l) 'Antique firearm' means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(m) 'Unserviceable firearm' means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(n) 'Make' and the various derivatives of such word, shall include manufacturing (other than by one qualified to engage in such business under this Chapter), putting together, altering, any combination of these, or otherwise producing a firearm.

(o) 'Transfer' and the various derivatives of such word shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

(p) 'Dealer' means any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

(q) 'Importer' means any person who is engaged in the business of importing or bringing firearms into Guam.

(r) 'Manufacturer' means any person who is engaged in the business of manufacturing firearms.

(s) 'Concealed weapon' means a gun firearm or destructive device carried on a person in such a manner that it cannot be seen by the naked eye, but would be available for use by the individual attempting this concealment or by any other person aware of the gun's existence.

8900.4. *Identification cards.* (a) No person shall acquire any handgun, long gun or ammunition unless he hold a valid identification card issued pursuant to this Chapter. The identification card is evidence of the holder's eligibility to possess and use or carry, handguns, long guns or ammunition.

(b) Indentification cards shall be issued and reviewed every three (3) years only by the Department of Public Safety or pursuant to regulations made by the Department by designated law enforcement agencies of local government. The identification card shall have on its face all of the following:

(1) The name and address of the holder.

(2) The sex, height and weight of the holder.

(3) The birth date of the holder.

(4) The date of expiration for the card which shall be three (3) years from the date of the holders next birthday.

(5) A photograph of the holder taken by the issuing agency immediately prior to issuance.

(6) An endorsement setting forth the extent of the holder's eligibility to possess, use and carry guns, and whether or not the holder may carry a concealed weapon.

(7) The number of the identification card.

(c) An applicant for an identification card shall make application therefor on a form approved by the Department of Public Safety and shall supply such information as may be necessary to afford the issuing agency reasonable opportunity to ascertain the facts required to appear on the face of the identification card, and to determine whether the applicant complies with all requirements of this Chapter to possess and use, or carry handguns, long guns, or either as the case may be.

(d) No identification card shall issue, unless the issuing agency is satisfied that the applicant may lawfully possess and use, or carry guns of the type or types enumerated on the identification card. Unless the application for use and possession is denied, the identification card shall issue within thirty (30) days from the date of application, or, if the identification card includes eligibility to carry a handgun, within sixty (60) days.

(e) No person shall be issued an identification card if he has been:

(1) Acquitted of any criminal charge by reason of insanity.

(2) Adjudicated mentally incompetent.

(3) Convicted of a crime of which actual or attempted personal injury or death is an element.

(4) Convicted of a crime in connection with which firearms or other dangerous devices were used or found in his possession.

(5) Convicted of a crime of which the use, possession or sale of narcotics or dangerous drugs is an element.

(6) Convicted of any felony.

(f) Identification cards shall not be issued to any person who is not a citizen of the United States, except a duly accredited official representative of a foreign country. Cards for official representatives shall expire when such persons no longer represent their country, when their term of office expires, when they have been decertified or when their reason for having such an identification card expires.

(g) No person shall be issued an identification card if he has a physical or mental defect, condition, illness, or impairment which makes him unable to use a gun with proper control.

Any person suffering from a physical or mental defect, condition, illness or impairment which would make him ineligible for an identification card pursuant to this paragraph may submit the certificate of a physician licensed to practice in this territory to the issuing agency or officer. If the certificate states that in the best opinion of the subscribing physiican the defect, condition, illness or impairment does not make the applicant incapable of possessing and using a gun without danger to the public safety, the identification card may be issued.

(h) Any person who is ineligible for an identificaion card by reason of conviction of a crime, which is not a felony, may be issued such a card if his most recent discharge from probation or parole or the termination of his most recent sentence, whichever is later, is more than ten (10) years from the time of application for identification card and if the issuing agency finds that his record, taken as a whole, does not indicate that his possessing and using, or carrying, a gun, as the case may be, are not likely to constitute a special danger to the public safety.

8900.5. *Purchase, possession and use of handgun.* No person shall purchase, possess or use a handgun, unless he is the holder of an identification card issued pursuant to this Chapter evidencing the eligibility of such person to purchase, possess and use a handgun. Such person shall be at least eighteen (18) years of age.*

8900.7. *Purchase, possession and use of long guns.* (a) No person shall purchase, possess or use a long gun, unless he meets all the requirements of Section 8900.4, of this Chapter except as modified in this Section

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

and is the holder of an identification card issued pursuant to this Chapter.

(b) Any person otherwise meeting the requirements of Section 8900.4 of this Chapter may purchase a long gun if he is at least eighteen (18) years of age.

(c) Any person who otherwise meets the requirements of Section 8900.4 of this Chapter and is the holder of an identification card issued pursuant to this Chapter may possess and use a long gun if he is at least fourteen (14) years of age, or if between the ages of ten (10) and fourteen (14) years, is accompanied by a person at least eighteen (18) years of age who is the holder of an identification card issued pursuant to this Chapter, who is the registered owner of such long gun and who is carrying cards demonstrating the same.

8900.8. *New residents.* Any United States citizen who is in legal possession of a gun or ammunition therefor pursuant to the laws of the jurisdiction of any other territory or state of the United States shall have a period of thirty (30) days after having arrived in Guam in which to apply for an identification card and during that period, may continue to use the gun and, for that purpose, the gun is legally in his possession until an identification card is issued or denied to him. Thereafter, his purchase, possession and use of guns or ammunition shall, be in accordance with the requirements of this Chapter and any regulations pursuant thereto.

8900.9. *Law enforcement officers.* (a) Possession, use and carriage of guns, other firearms and dangerous devices by law enforcement officers derives from the laws governing the powers, functions and organizations of the police and other organized forces of peace officers. Eligibility of law enforcement officers to possess, use and carry guns, other firearms or dangerous devices is not subject to the holding of identification cards or any other qualifications prescribed in this Chapter or in regulations pursuant thereto.

(b) Transfer of any gun from or to a law enforcement officer or agency shall, except as provided in Subsection (a) of this Section, be subject to the provisions of this Chapter and regulations made pursuant thereto.

8900.10. *Transfers of guns.* (a) No dealer, manufacturer or wholesaler shall transfer handguns or long guns, except pursuant to an annual license therefor as provided in this Section.

(b) Any person, firm, corporation, association, or other entity proposing to engage in the business of selling guns at retail shall apply for a dealer's license. The application shall contain the following information:

(1) The name and address of the applicant, including the address of each separate location within this territory at which the applicant proposes to do business pursuant to the license, and

(2) If the applicant is a partnership or association, the names and addresses of the partners or associates, or

(3) If the applicant is a corporation, the names and addresses of the officers and directors.

(4) Such other information bearing on the applicant's ability to operate the business in a manner consonant with the public safety as the Department of Public Safety may require.

8900.14. *Repair.* (a) No person, other than a dealer or manufacturer licensed pursuant to this Chapter shall repair guns or accept the same for repair.

(b) No person shall accept any gun for repair, unless he is shown an identification card evidencing eligibility of the holder to possess and use a gun of the type offered for repair. Prior to returning any such gun, the manufacturer or dealer shall make a record identical with that required for the purchase of a gun pursuant to Section 8900.13, and shall maintain such record for at least one (1) year.

(c) Nothing in this Section shall be construed to prohibit the repair or maintenance of a gun by the owner thereof.

8900.15. *Ammunition.* (a) No person may sell ammunition, unless he is a manufacturer, wholesaler or dealer, licensed pursuant to this Chapter. If the sale is other than to another manufacturer, wholesaler or dealer, the sale shall not be made until the seller has ascertained that the purchaser is the holder of an identification card evidencing eligibility to possess and use a gun of the type for which the ammunition is suited. Upon sale, the seller shall record the quantity, type and caliber or gauge sold or transferred, the name and address of the purchaser and the number of the purchaser's identification card. United States citizens authorized to possess and use guns and ammunition pursuant to Section 8900.8 of this Chapter, may purchase ammunition for a gun upon presentation of his nonresident gun license or hunting license and, in such case, the seller may substitute full information identifying the nonresident gun license or hunting license for information concerning the identification card.

(b) No person who has purchased ammunition shall sell it to any person other than a dealer licensed pursuant to this Chapter. Upon receipt of ammunition, the dealer shall make, keep and transmit all records with respect to the ammunition in the manner required by this Section for ammunition sold by him.

8900.16. *Private sale or transfer.* No person other than a manufacturer, wholesaler or dealer licensed pursuant to this Chapter shall transfer a gun to any person other than a manufacturer, wholesaler or dealer without first ascertaining that the transferee is the holder of an identification card issued pursuant to this Chapter. Prior to any such transfer, the transferor shall furnish to the Department of Public Safety in person or by registered or certified mail, return receipt requested, a properly completed form approved by the Department providing information equivalent to that required to be furnished by a dealer upon the transfer by him of a gun.

8900.17 *Security transactions.* (a) No person, other than a licensed dealer, shall receive a gun as a pledge or pawn, or in any other manner as security.

(b) A dealer receiving a gun as a pledge, pawn, or otherwise as security, shall record promptly the date of receipt; the full description of the item or items received (including the manufacturer, type and serial number or numbers, if any); the name and address of the person making the pledge, pawn, or other deposit as security; and the number of said person's identification card. No dealer shall accept the pledge, pawn, or other deposit as security unless the person making the same exhibits an identification card evidencing his entitlement to possess and use a gun of the type involved. A dealer shall further immediately report to the Department of Public Safety any person attempting to pledge or pawn a weapon for which he does not have an identification card.

(c) Upon the return or other disposition of the gun in his possession pursuant to this Section, the dealer shall make a record of the return or other disposition, including the date thereof and the name and address of the person to whom the gun was returned or disposed. No gun shall be returned or disposed of to any person who, at the time of such return or disposition, does not exhibit a valid identification card issued in his own name and entitling him to possess and use the type of gun involved.

8900.18 *Manufacturers and wholesalers.* (a) No person shall manufacture or deal in guns or ammunition at wholesale unless:

(1) He is the holder of a dealer's license issued pursuant to Section 8900.11; or

(2) He is the holder of a license issued pursuant to this Section. * * *.

(d) No dealer or wholesaler on Guam shall sell any gun unless it has been assigned a unique serial number and such number has been inscribed in or on the gun in such manner as will resist removal, alteration, defacement or obliteration. The Department of Public Safety may make regulations for the style of such serial numbers and for the manner of their inscription.

8900.20 *Cancellation, denial, suspension and revocation of licenses.* (a) Any license issued pursuant to this Chapter shall be surrendered for cancellation immediately on the discontinuance or termination of business or upon the holder's discontinuing the manufacturing, selling, acquisition for sale or repair of guns and the sale of ammunition. * * *.

(d) Any person who, by reason of the suspension or revocation of his identification card is no longer eligible to continue in possession of a gun, shall surrender any and all guns and ammunition to the Department of Public Safety or shall dispose of the guns and ammunition forthwith under the direction and supervision of the Department of Public Safety. In the case of suspension of an identification card, the owner of the gun or ammunition may request that the Department of Public Safety keep same during the period of suspension and, except as herein provided, the gun or ammunition shall be restored to the owner when he again becomes eligible to possess same and requests return. Any gun or ammunition in the possession of the Department of Public Safety pursuant to this subsection may be disposed of, without compensation to the owner, upon revocation of the suspended identification card or at the end of thirty (30) days after receipt. However, if proceedings in connection with the suspension or revocation are not yet finally determined, disposal shall not be until such final determination has been made. * * *.

8900.21. *Shipment and delivery of guns and ammunitions.* (a) Any person who ships, transports or delivers guns to a manufacturer, wholesaler or dealer in this territory shall, before delivery, furnish to the Department of Public Safety an invoice listing his name and address, the name and address of the manufacturer, wholesaler or dealer to whom such guns are to be delivered, the place of origin of the shipment, the number of guns of each type and the manufacturer and serial number of each gun in the shipment. No manufacturer, wholesaler or dealer shall purchase or accept delivery of any gun from any person failing to comply with the provisions of this paragraph.

(b) Any person who ships, transports or delivers ammunition to a manufacturer, wholesaler or dealer in this territory shall, before delivery, furnish to the Department of Public Safety an invoice listing his name and address, the name and address of the manufacturer, wholesaler or dealer to whom the ammunition is to be delivered, the place of origin of the shipment and the quantity of ammunition of each type in the shipment. No manufacturer, wholesaler or dealer shall

purchase or accept delivery of any ammunition from any person failing to comply with the provisions of this paragraph.

(c) If shipment is by common carrier, a copy of the invoice required by Subsections (a) and (b) shall be delivered to the common carrier. No common carrier shall knowingly deliver a shipment of guns or ammunition to any manufacturer, wholesaler or dealer within this territory without having received a copy of such invoice. The copy of the invoice shall be left with the manufacturer, wholesaler or dealer at the time of delivery.

8900.23. *Prohibitions.* No person shall: (a) Manufacture, purchase, sell, possess or carry any firearm or destructive device, except a registered handgun or long gun for which such person is authorized pursuant to this Chapter to manufacture, purchase, sell, possess or carry.

(b) Knowingly remove, obliterate or alter the serial number of any gun.

(c) Knowingly deface, alter or destroy an identification card.

(d) Acquire, possess or use any firearm silencer or muffler.

8900.25. *Emergencies.* In case of emergency concerning the public safety declared by the Governor, all establishments dealing in guns or ammunition may be ordered closed by order of the Governor and required to remain closed during the continuance of the emergency. During any such closure, any and all guns and ammunition belonging to or in the keeping of a closed establishment may be impounded.

8900.26. *Guns on effective date of Act.* (a) Any person having in his possession a gun on the effective date of this Act shall, within ninety (90) days of such effective date, furnish to the Department of Public Safety on a form approved by the Department equivalent information concerning any gun in his possession. No person possessing an unregistered gun and complying with the provisions of this Section shall be subject to any penalty under this or any other law for possession of an unregistered gun.

(b) If, prior to the expiration of the ninety (90) day period provided in Subsection (a), the gun is transferred, the transferor shall comply with the provisions of this Act for furnishing of information on transfer and need not comply with Subsection (a).

HAWAII

State Law

HAWAII REVISED STATUTES

134–1. *Definitions.* As used in this chapter: "Firearm" means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon, and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

"Crime of violence" means any of the following crimes, namely: murder, manslaughter, rape, kidnapping, robbery, burglary, and those certain crimes set forth in sections 724–4, 724–5, and 724–6.

"Pistol" or "revolver" means any firearms of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas.

134–2. *Registration, mandatory.* Every person arriving in the State who brings with him firearms of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, or ammunition of any type and description, shall within forty-eight hours after arrival, register the same with the chief of police of the county of his place of business or if there be no place of business, his residence, or if there be neither place of business, or if there be no place of sojourn.

Registration shall not be required for: (a) any device designed to fire loose black powder; (b) a device not designed to fire or made incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition; and/or (c) all unserviceable firearms and destructive devices registered with the Director, Alcohol, Tobacco and Firearms Division of the U.S. Internal Revenue Service as provided in Part 179 of Title 26, Code of Federal Regulations.

The registration shall be on such forms as may be designated by the department of the attorney general and shall include a description of the class of firearms and ammunition owned by him, or in his possession, together with the name of the maker and the factory number, if known or ascertainable, and the source from which possession was obtained.

Within ten days after the end of each month the respective chiefs of police shall furnish to the department duplicate copies of all registrations made during the preceding month.

No fee shall be charged for the registration.

Any person who fails to comply with this section shall be fined not more than $250.

134–3. *Permits to acquire; registration; penalty.* No person shall acquire the ownership of a firearm of any description (other than a rifle or shotgun having a barrel length of eighteen inches or over), whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight or otherwise, until he has first procured from the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein; provided, when title to any such firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained before taking possession of same. Further, no person shall keep in his possession any such firearm which is owned by another, irrespective of whether or not the owner has consented to its possession, without a permit from the chief of police of the aforesaid county; provided, that any pistol or revolver, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another even though be be a minor, upon a target range, for a period not longer than to allow the other person to then and there use it for target shooting, without a permit.

Each chief of police may issue permits, within his jurisdiction, to acquire such firearms, to citizens of the United States, at the age of eighteen years or more, and to duly accredited official representatives of foreign nations. Each chief of police may also issue permits to aliens of the age of twenty years or more for use of rifles and shotguns for a period not exceeding sixty days, after the alien had first procured a hunting license under sections 191–1 to 191–6.

Applications for the permits shall be signed by the applicant upon forms to be specified by the department of the attorney general and shall be signed by the issuing authority. One copy of the permit shall be retained by the issuing authority, as a permanent official record. The permit shall be void unless used within ten days after the date of issue. In all cases where possession is acquired from another person in the State the permit shall be signed in ink by the holder thereof and shall be delivered to and taken up by the person who is transferring title to the firearm, who shall make entry thereon setting forth in the space provided, the name of the person to whom the firearm was transferred, and the make, style, caliber, and number as applicable. He shall then sign it in ink and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours. In case receipt of the firearm is had by mail, express, freight or otherwise, from sources without the State, the person to whom the permit has been issued shall make the prescribed entries thereon, sign it in ink, and cause it to be delivered, or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearm. No person shall sell, give, loan, or deliver into the possession of another any firearm or ammunition except in accordance with this section.

Any person acquiring a firearm under this section shall, within five days of acquisition, register it in the manner prescribed by section 134–2.

No fee shall be charged for permits under this section.

134–4. *Transfer of rifles and shotguns.* No transfer of any rifle or shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, shall be made in any event to any person under the age of eighteen years, and no person under the age of twenty years shall possess any such rifle or shotgun, except as provided by section 134–5.

It shall be unlawful for any person to own or possess such rifle, unless he is a citizen of the United States, or an alien who has procured a hunting license under sections 191–1 to 191–6 and a firearms permit under section 134–3.

134–5. *Possession by licensed hunters and minors.* Any person of the age of sixteen years or over, and any person under the age of sixteen years while accompanied by an adult, who has procured a hunting license under sections 191–1 to 191–6, may, while actually engaged in hunting or while going to and from the place of hunting, or while actually engaged in target shooting upon a target range, carry and use any lawfully acquired rifle or shotgun and suitable ammunition therefor.

134–7. *Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited; * * *.* (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term "fugitive from justice" means any person who has fled from any State, territory, the District of Columbia, or possession of the United States to avoid prosecution for a felony or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed a felony, or of the illegal use, possession, or sale of any drug, shall own, or have in his possession, or under his control any firearm or ammunition therefor.

134–8. *Ownership, etc., of machine guns, automatic rifles, silencers, etc., prohibited; penalty.* The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, submachine guns, automatic rifles, or rifles with barrel lengths less than 16 inches, or shotguns with barrel

length less than 18 inches, cannon, mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms, or any hand grenade, dynamite or other explosives, blasting caps, bombs or bombshell is prohibited. Any person violating this section shall be imprisoned for a term of not less than two years nor more than five years, without probation.

134–10. *Alteration of identification marks prohibited; penalty.* No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the same. Any person who violates this section shall be imprisoned for a term of not less than one year nor more than two years, without probation.

134–11. *Exemptions.* Sections 134–6 to 134–9 shall not apply:

(1) To members of police departments, sheriffs, members of military and naval forces of the State and of the United States, mail carriers, and law enforcement officers;

(2) To regularly enrolled members of any organization duly authorized to purchase or receive the weapons from the United States or from the State, provided the members are at, or going to or from their places of assembly, or target practice;

(3) To persons employed by the State or subdivisions thereof or the United States whose duties require them to be armed, while the persons are in the performance of their respective duties, or while going to and from their respective places of duty;

(4) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that State to carry firearms without registration. The governor of the State or his duly authorized representative may enter into compacts with other States to carry out this section.

Nor shall sections 134–2 and 134–3 apply to such firearms or ammunition as are a part of the official equipment of any federal agency.

134–31. *License to sell and manufacture firearms; fee.* The annual fee for a license to sell and manufacture firearms for sale in the State either at wholesale or retail, shall be $10, and shall be payable to said director of finance. A license issued hereunder shall expire on June 30 next following the date of issuance of the license unless sooner terminated. Application for renewal of license shall be filed on or before June 30 of each year.

134–32. *License to sell and manufacture firearms; conditions.* Every license issued pursuant to this part shall be issued and shall be regarded as having been accepted by the licensee subject to the following conditions:

(1) That the licensee shall at all times comply with all provisions of law relative to the sale of firearms.

(2) That the license may during any time of national emergency or crisis, as defined in section 134–34, be canceled or suspended.

(3) That all firearms in the possession and control of any licensee may at any time of national emergency or crisis, as defined in section 134–34, be seized and held in possession or purchased by or on the order of the governor until such time as the national emergency or crisis has passed, or until such time as the licensee and the government of the United States or the government of the State may agree upon some other disposition of the same.

134–34. *National emergency, when.* A national emergency or crisis shall be deemed to have arisen when the governor, the commanding general of the U.S. Army, Pacific, and the commandant of the 14th Naval District and Hawaiian Sea Frontier have, in the exercise of their discretion, so determined.

IDAHO

State Law

IDAHO CODE TITLE 18

18–3302. *Concealed and dangerous weapons—Possession and exhibition—Sale to minors.* If any person, excepting officials of a county, officials of the state of Idaho, officials of the United States, peace officers, guards of any jail, or any officer of any express company on duty, shall carry concealed upon or about his person, any dirk, dirk knife, bowie knife, dagger, sling shot, pistol, revolver, gun or any other deadly or dangerous weapon within the limits or confines of any city, town or village, or in any public assembly, or in any mining, lumbering, logging, railroad or other construction camp, public conveyances or on public highways within the state of Idaho, or shall, in the presence of one or more persons, exhibit any deadly or dangerous weapon in a rude, angry or threatening manner, or shall have or carry such weapons upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor under the age of sixteen years any such weapon without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than $25.00 nor more than $200.00, and by imprisonment in the county jail for a period of not less than twenty days nor more than ninety days: provided, however, that any person shall be allowed to carry any of the above weapons in the places mentioned above on securing a permit from the sheriff of the county after satisfying the sheriff or the necessity therefor.

18–3308. *Selling explosives, ammunition or firearms to minors.* No person, firm, association or corporation shall sell or give to any minor under the age of sixteen years any powder, commonly called gunpowder, of any description, or any dynamite or other explosive, or any shells or fixed ammunition of any kind, except shells loaded for use in shotguns and for use in rifles of twenty-two caliber or smaller, or any firearms of any description, without the written consent of the parents or guardian of such minor first had and obtained. Any person, firm, association or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than $100, or be imprisoned in the county jail not less than ten days nor more than thirty days, or be punished by both such fine and imprisonment in the discretion of the court.*

18–3314. *Resident's purchase of firearm in contiguous state.*—Residents of the state of Idaho may purchase rifles and shotguns in a state contiguous to Idaho, provided that such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States secretary of the treasury, and provided further, that such residents conform to the provisions of law applicable to a purchase in Idaho and in the contiguous state in which the purchase is made.

18–3315. *Resident of contiguous state—Purchase of firearm in Idaho.*—Residents of a state contiguous to the state of Idaho may purchase rifles and shotguns in Idaho, provided that such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States secretary of the treasury, and provided further, that such residents conform to the provisions of law applicable to such purchase in Idaho and in the state in which such persons reside.

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

ILLINOIS

State Law

ILL. ANN. STATS. (SMITH-HURD) CHAPTER 38

24–1. *Unlawful use of weapons.* (a) A person commits the offense of unlawful use of weapons when he knowingly:

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; or

(4) Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver or other firearm; or

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails.

24–2. *Exemptions* (a) Subsections 24–1(a)(3), 24–1(a)(4) and 24–1(a)(10) do not apply to or affect any of the following:

(1) Peace officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Warden, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and place of employment.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad or a public utility to perform police functions while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; watchmen while actually engaged in the performance of the duties of their employment; security guards while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one hour from departure from home or place of employment, as the case may be, and that such security guard has successfully completed a course of study, approved by and supervised by the Depart-

ment of Registration and Education, consisting of not less than 30 hours of training which shall include theory of law enforcement, liability for acts and the handling of weapons, provided, however, that any person who has been employed as a security guard for six months prior to the effective date of this Amendatory Act shall not be required to have successfully completed such course until July 1, 1974. The Department of Registration and Education shall provide suitable documentation to demonstrate the successful completion of such course. Such documentation shall be carried by the security guard at all times when he is in possession of a concealable weapon. For purposes of this Section, Security guards means persons employed by a licensed detective agency as defined by "AN ACT to provide for Licensing and Regulating Detectives and Detective Agencies," approved June 26, 1933, as amended, who are so employed for any of the purposes enumerated in Section 1(B) of such Act.

(5) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in Subsections 24–1(a)(3) and 24–1(a)(4), while on duty in the course of any investigation for the Commission.

(G) Manufacture, transportation, or sale of weapons to persons authorized under (1) through (5) of this Subsection to possess those weapons.

(b) Subsections 24–1(a)(4) and 24–1(a)(10) do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, patrons of such ranges while such members or patrons are using their firearms on those target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.

(3) Licensed hunters or fishermen while engaged in hunting or fishing.

(4) Transportation of weapons broken down in a non-functioning state or not immediately accessible.

(c) Subsection 24–1(a)(7) does not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this Subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or not immediately accessible.

(d) Subsection 24–1(a)(1) does not apply to the purchase, possession or carrying of a black-jack or slung shot by a peace officer.

(e) Subsection 24–1(a)(8) does not apply to any owner, manager or authorized employee of any place specified in that Subsection nor to any law enforcement officer.

(f) Subsection 24–1(a)(10) does not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(g) An information or indictment based upon a violation of any Subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

24–3. *Unlawful sale of firearms.* A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or *

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph shall not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or (4) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

(h) While holding any license under the Federal "Gun Control Act of 1968", as amended, as a dealer, importer, manufacturer or pawnbroker; manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith", approved August 3, 1967, as amended; (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which a firearm can be assembled.

(i) Paragraph (h) of this Section shall not include firearms sold within 6 months after enactment of this amendatory Act of 1973, nor shall any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of this amendatory Act of 1973 be subject to confiscation or seizure under the provisions of this amendatory Act of 1973. Nothing in this amendatory Act of 1973 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of this amendatory Act of 1973.

24–3.1. *Unlawful possession of firearms and firearm ammunition.* (a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

24–5. *Defacing identification marks of firearms.* (a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a Class A misdemeanor.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

83–1. *Legislative declaration.* It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms and firearm ammunition within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24—3.1 of the "Criminal Code of 1961", as amended,[1] from acquiring or possessing firearms and firearm ammunition.

83–1.1. *Definitions.* For purposes of this Act: "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter;

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of Law Enforcement finds by reason of the date of its man-

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

ufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm Ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

83-2. *Requisites for acquistion or possession—Exempted persons or entities.* (a) No person may acquire or possess any firearm or any firearm ammunition within this State without having in his possession a Firearm Owner's Identification Card previously issued in his name by the Department of Law Enforcement under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms and firearm ammunition do not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

(5) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using such firearms for ceremonial purposes with blank ammunition.

(6) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(7) Nonresidents while on a firing or shooting range recognized by the Department of Law Enforcement; however, such persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents, while at a firearm showing or display recognized by the Department of Law Enforcement; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents, whose firearms are unloaded and enclosed in a case; and

(10) Nonresidents, who are currently licensed or registered to possess a firearm in their resident state; and

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to such minor if such parent or legal guardian or other person in loco parentis to such minor has a currently valid Firearm Owner's Identification Card.

83-3. *Requisites for transfer.* (a) No person within this State may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of Public Safety under the provision of this Act.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act. (Chapter 38, § 83-2.)

83-6. *Contents of identification card.* A Firearm Owner's Identification Card, issued by the Department of Public Safety at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other personal identifying information as may be required by the Director. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION—This card does not permit bearer to UNLAWFULLY carry or use firearms."

83-7. *Duration of identification card.* Except as provided in Section 8 of this Act (Chapter 38, § 83-8), a Firearm Owner's Identification Card issued under the provisions of this Act shall be valid for the person to whom it is issued for a period of 5 years from the date of issuance.

83-8. *Denial of application or revocation and seizure of identification card—Grounds.* The Department of Law Enforcement has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction within the prior 5 years or a person confined to a penitentiary within the prior 5 years;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years; or

(f) A person who is mentally retarded.

Addison

2. *Permit.* It shall be unlawful for any person to sell or give away to any person within the Village of Addison any firearm unless such person so purchasing or receiving such firearm shall have a valid State of Illinois Gun Owner's Identification Card and shall have secured a written permit for the purchase of said firearm from the Chief of Police, and it shall be the duty of the person selling or giving away firearms to receive and keep such written permits from the Chief of Police in a permanent file for inspection purposes. Every such person with a license to deal in firearms shall, on demand, allow the Chief of Police or his deputy to enter for inspection during normal business hours, all stock on hand and shall on request of such officer, produce for inspection all written permits issued by the Chief of Police for the sale of such firearms, and the register so required to be kept. It shall be the duty of the Chief of Police to refuse such permits to:

(A) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(B) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not have a currently valid Firearm Owner's Identification Card; (C) A person convicted of a felony under the laws of this or any other jurisdiction within the prior 5 years or a person confined to a penitentiary within the prior 5 years; (D) A person addicted to narcotics; (E) A person who has been a patient of a mental institution within the past 5 years; or (F) A person who is mentally retarded.

In case the Chief of Police shall find the applicant not to possess any of the above disqualifications, it shall be his duty to grant such permit.

4: *Minors.* It shall be unlawful for any person to sell or give away to any minor any firearm which can be concealed on the person within the corporate limits of the Village of Addison.

Alsip

442-4. *After the proclamation of a civil emergency,* the Mayor of the Village of Alsip may also, in the interest of public safety and welfare, make any or all of the following orders: * * *.

(d) order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

Alton

698. *Firearms—minors.* No person shall sell, loan, or furnish to any minor any gun, pistol, revolver or other firearm within the City of Alton; provided, that minors may be permitted, with the consent of their parents or guardians to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club.

2588.1. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person within the City, any pistol, revolver, derringer, shot gun and rifle (capable of being concealed on the person), antique firearms, stiletto, sword, bayonet, and machette of all descriptions with a blade three or more inches in length or blackjack or sap, or other weapon of like character, which can be concealed on the person, without securing a license so to do * * *.

Aurora

29-24. *Unlawful use of weapons—prohibited.* (a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or * * *.

(c) Section 29-24(a)(7) does not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess

machine guns, if the machine guns are broken down in a nonfunctioning state or not immediately accessible.

29-27. *Furnishing firearms to minors.* No person shall sell, loan, or furnish to any minor any gun, pistol, or other firearm within the city; provided that minors may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club, or rifle club.

48-11. *Dealer's license required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, Bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license so to do.

48-17. *Disposing of weapon to unauthorized persons.* It shall be unlawful for any person to sell, barter, or give away to any person within the city, any deadly weapon mentioned in section 48-11, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police as hereinafter required.

48-25. *Required.* It shall be unlawful for any person to purchase any deadly weapon mentioned in section 48-11, which can be concealed on the person, without first securing from the chief of police a permit so to do.

48-33. *License required.* It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm, which can be concealed on the person without securing a license so to do.

Berwyn

36-6. *Definition.* "Firearms," for the purposes of this article, are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

36-7. *License to sell concealable firearms required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the city, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor.

36-9. *Licensee not to sell concealable firearms; exception.* No person having secured a license required by section 36-7 of this Code, shall sell, loan or give away any firearm described in section 36-6 of this Code to any person who has not secured a permit from the chief of police to purchase such firearm.

36-11. *Persons ineligible for permits.* No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.*

Bloomington

69. *Minors—selling, etc., weapons to prohibited.* No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the City any gun, pistol, revolver, fowling piece, or toy firearm in which any explosive substance can be used or any Bowie knife, dirk, dagger, switch blade knife, or other deadly weapon of a like character.

Blue Island

1.01. *Definition.* "Firearms", for the purposes of this ordinance, are pistols, revolvers, derringers, handguns or small arms of such size and nature that may be readily concealed on or about the person.

2.01. *License Required.* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, lease, loan or give away to any resident of the City of Blue Island, any firearms which are of such size or nature as may be readily concealed on or about the person, without securing a license therefor.

6.01. *Unlawful Sale.* It shall be unlawful for any seller of firearms to sell, lease, loan or give away any firearm to any person residing in the State of Illinois unless such person shall have been issued a Firearms Owner's Identification Card as provided in the "Criminal Code of 1961" as amended, or to sell firearms in violation of the provisions of the "Criminal Code of 1961" as amended, or in violation of the provisions of any federal act regulating the sale of firearms.

7.01. *Permit Required.* It shall be unlawful for a seller of firearms to sell, lease, loan or give away any firearms to any resident of the City of Blue Island who has not secured a permit from the Chief of Police to purchase such firearm as hereinafter provided.

Cahokia

4. *No person, firm or corporation* shall sell or give or loan to any person under the age of 18 years any firearm or other deadly weapon in the Village of Cahokia, Illinois.*

Caseyville

3. *Sale of certain weapons to minors prohibited.* No person, firm or corporation shall sell or deliver, or loan or barter, either directly or inadvertently, to any minor under the age of twenty-one (21) years, any kind of firearms, bowie knife, spring back knife, razor, metal knuckles, sword, cane, dagger, sling shot, or any other similar deadly weapon, without the consent of the parent or guardian of such minor.

Centralia

16-1-4. *Unlawful use of weapons.* A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufacturers, purchases, possesses or carries any bludgeon, black-jack, slung-shot, sand-club, sand-bag, shotgun with a barrel less than 18 inches in length, metal knuckles or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or

(6) Possesses any device or attachement of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device.

C. Subsection 16-1-4 (7) shall not apply to or affect any of the following:

(1) Peace Officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns, to persons authorized under (1) through (3) of the subsection to possess such, provided said machine guns are broken down in a non-functioning state or not immediately accessible.

16-1-6. *Unlawful sale of firearms.* A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearms of a size which may be concealed upon the person to any person under 18 years of age; or*

(2) Sells or gives any firearm to any narcotic addict; or

(3) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Centreville

204. *Weapons.* No pawnbroker shall receive or have in his possession as a pledge or purchase any revolver, pistol, blackjack, machine gun, or sawed-off shotgun.

Champaign

13.505. *Weapons.* No pawnbroker shall receive as a pledge or purchase any revolver, pistol, black-jack, or sawed-off shotgun. And no pawnbroker shall display in his window or shop any such weapons for sale.

Chicago

11.1-4. At the time of sale the seller shall complete a registration form, designed or approved by the City Collector, which shall contain the date of the sale or gift, the full name, address, age, physical description and occupation of the person to whom the firearm is sold or given, the price of the firearm, the kind, description and serial number or other identifying marks of the firearm, the purpose for which it is purchased and obtained, the permit number, and other relevant information deemed necessary by the City Collector.

11.1-5. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of the law.

11.1-6. The completed registration form, signed by both the seller and the purchaser, shall be mailed by the seller to the office of the City Collector no later than 48 hours after the sale.

11.1-8. The City Collector shall forward to every purchaser, recipient, or possessor of a registered firearm a registration certificate within 30 days of registration. The certificate shall state the full name, address, age, physical description of the registrant, the kind, description and serial number or other identifying marks of the individual firearm to which it applies, which will not be transferable and shall be carried simultaneously with the firearm and shall be exhibited to any police officer upon his demand for inspection. Registration shall not make lawful the carrying or possession of a firearm if prohibited by any other law. The registration provisions of this Chapter shall not apply to manufacturers, transporters or wholesale or retail sellers of firearms or those persons with exempt status pursuant to subsections (a)(1), (a)(2), and (a)(3) of Section 24-2 of the Illinois Criminal Code.

11.1-14. For the purposes of this Chapter the term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

11.1-15. Any person under 18 years of age, any narcotic addict, any person who has been

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction of penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded, and any person who possesses any firearm, the possession of which is prohibited by any State or Federal law relating to weapons or firearms, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void.

11.1–16. A person may not possess or harbor any firearm, whether concealed or not concealed, if such person is ineligible to register such firearm with the licensing authority pursuant to the provisions of this Chapter.

183–1. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license so to do.

183–6. It shall be unlawful for any person to sell, barter, or give away to any person within the city, any deadly weapon mentioned in section 183–1, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the city.

183–7. It shall be unlawful for to purchase any deadly weapon mentioned in section 183–1, which can be concealed on the person without first securing from the superintendent of police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit, and the applicant shall present such evidence of good character as the superintendent of police at his discretion may require.

The superintendent of police shall refuse such permit to any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded. Otherwise, in case he shall be satisfied that the applicant is of good moral character, it shall be the duty of the superintendent of police to grant such permit.

183–9.1 *Gunsmiths.* It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

Chicago Heights

30–101. *Unlawful use of weapons.* A person commits the offense of unlawful use of weapons when he knowingly:

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or

30–104. *Unlawful sale of firearms.* A person commits the offense of unlawful sale of firearms when he knowingy:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or*

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this paragraph shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of this state under which the firearm is mailed to a point outside the boundaries of this state; or

(3) The sale of a firearm to a nonresident of this state while at a firearm showing or display recognized by the state department of public safety; or

(4) The sale of a firearm to a dealer licensed under the federal firearms act.

30–105. *Unlawful possession of firearms and firearm ammunition.* A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person.

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(c) He has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(d) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Cicero

38–9. *Sale or gift of deadly weapons concealable on person—License—Required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license so to do.

38–12. *Application to, permission from, superintendent of police required.* No pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon can be sold unless application is made to the superintendent of police of the town stating that a request has been made for the purchase of a pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon, fully describing the type of weapon sought to be purchased, the name, address and age of purchaser and for what purpose said weapon is about to be purchased. Then if the superintendent of police of the town grants authority for said sale, then said sale shall be consummated. If in the discretion of the superintendent of police the sale of such weapons might jeopardize the safety and welfare of the people, he shall refuse to grant permission for the sale of said weapon. The same proceeding shall be followed in the event a licensee desires to give away a weapon as a gift.

38–14. *Prohibited to other than licensed dealers, or persons granted permits.* It shall be unlawful for any person to sell, barter, or give away to any person within the town, any deadly weapon mentioned in section 38–9, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police of the town as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the town.

38–15. *Purchasers required to obtain permit; permits prohibited to minors and persons convicted of crime.* It shall be unlawful for any person to purchase any deadly weapon mentioned in section 38–9 which can be concealed on the person without first securing from the superintendent of police of the town a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit, and the applicant shall present such evidence of good character as the superintendent of police at his discretion may require.

It shall be the duty of the superintendent of police to refuse such permit to any person having been convicted of any crime, and a permit shall be refused to all minors.

Clarendon Hills

156. *Selling firearms to minors unlawful.* No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece or other firearm, air gun or toy pistol on which percussion caps are used, within the Village of Clarendon Hills, under a penalty of not less than five dollars nor more than fifty dollars for each offense.*

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

Countryside

8–11.01 *License required.* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away, any loaded paper shells, metallic shot, loaded cartridges, bank cartridges, percussion caps, primers, detonators, or any other explosives without having first obtained a license therefor.

8–11.11 *Minors.* It is hereby declared to be unlawful for any person to sell, deliver, or give to any person under eighteen years of age any of the items set forth in 8–11.01.

Crest Hill

1. *Violation.* It shall be unlawful for any person to engage in the business of selling or to sell, or offer for sale or give away to any person within the city any pistol, revolver, Bowie knife, dagger or other weapons of like character without securing a license to do so.

3. *Sale to minors.* None of the articles enumerated in Section 1, or of like character, shall be sold to any minor.*

5. *Permit.* No sale of any revolver, pistol, Bowie knife, or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless such purchaser shall first exhibit to such licensee a permit for the purchase thereof, issued by the chief of police of this city. * * * It shall be the duty of the chief of police to refuse such permit to all minors or persons having been convicted of any crime.

Creve Coeur

6–2–17: *Unlawful use of weapons:* (A) *It shall be unlawful for any person to:* 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *.

Decatur

1. *Firearms.* 1. No person, firm or corporation shall sell, give, loan, hire, barter, furnish or offer for sale, or give, loan, hire, barter or furnish to any minor under the age of sixteen (16) years within the City, without the written consent of the parent or legal guardian of said minor, any gun, pistol, revolver, fowling piece or other firearm or any toy gun, toy pistol, toy fowling piece or other toy firearm in which any explosive substance can be used; or any bowie knife, dirk, dagger, slingshot or metallic knuckles, or other deadly weapon of like character.**

DeKalb

52.10 *Firearms and airguns.**** (b) *Selling to minors.* No person shall sell, give, loan or furnish to any minor within the City any pistol, revolver, airgun, derringer, Bowie knife, switch blade knife, dirk or other weapon of like character (shotguns and rifles excepted).*

East Peoria

29. *Unlawful use of weapons.* (a) It shall be unlawful for any person to:

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Possess or carry any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails.

East St. Louis

1. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell or give away to any person within the City, or to bargain or negotiate with any person within the City for any pistol, revolver, derringer, knife, dirk, stiletto with a blade three or more inches in length, or other weapon of like character, which can be concealed on the person, without securing a license so to do * * *.

5. It shall be unlawful for any person, firm or corporation to sell, barter or give away to any person within the City of East St. Louis, Illinois, any pistol, revolver, derringer, knife, dirk, stiletto with a blade three or more inches in length, or any other weapon of like character which can be concealed on the person, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police * * *.

6. It shall be unlawful for any person to purchase any pistol, revolver, derringer, knife, dirk, stiletto with a blade three or more inches in length, or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit so to do * * *.

7. It shall be the duty of the Chief of Police to refuse such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.*

Elgin

30–804. *Emergency orders.* After the proclamation of a civil emergency, the Mayor of the City of Elgin may also in the interest of public safety and welfare make any or all of the following orders: (c) Order the discontinuance of selling, distributing, or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle. (d) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

Elmhurst

51.19 *Firearms to minors.* No person shall sell, loan or furnish to any minor, any gun, pistol or other firearm or any airgun or toy pistol on which percussion caps are used.*

Elmwood Park

52–3. *Definition of "firearm".* Firearms for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

52–5. *License to sell firearms—required.* It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor.

52–7. *Permit to purchase firearms.* No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien. Application for permit shall state the type of firearm desired, the name, age, sex, residence, nationality, height, weight, and complexion.

52–8. *Sales, etc., of firearms to persons without permit.* No person, having secured a license to sell firearms shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon.

52–11. *Sale, etc., of firearms to minors.* No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Evanston

48–6. *Permit for purchase of pistol; inspection of stock, etc.* It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the city, any pistol, revolver or other weapon of like character which can be concealed upon the person, unless such person so purchasing or receiving such weapon shall have secured a written permit for the purchase of such article, from the chief of police, * * *.

It shall be the duty of the chief of police to refuse such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.*

In case the chief of police shall be satisfied that the applicant is of good moral character, it shall be his duty to grant such permit.

48–7. *Selling firearms to minors.* It shall be unlawful for any person to sell, loan or furnish to any minor, any gun, pistol, fowling-piece or other firearm, within the corporate limits of the city.*

Evergreen Park

32–11. *License required to engage in business or to sell or give away deadly weapons.* It shall be unlawful for any person to engage in the business of selling or to sell or give away any pistol, revolver, dagger, stiletto, billie, derringer, Bowie knife, dirk or other deadly weapon, which can be concealed on the person without securing a license so to do.

32–18. *Purchaser required to secure permit to purchase deadly weapon;* * * * It shall be unlawful for any person to purchase any deadly weapon mentioned in section 32–11, which can be concealed on the person without first securing from the chief of police a permit so to do.

32–36. *License required to engage in business.* It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer or other firearm, which can be concealed on the person without securing a license so to do.

Franklin Park

17–202. *Affidavit required for sales.* (a) No person licensed under the provisions of this

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

**NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

article having secured such a license, shall sell or give away any deadly weapons as defined in this division to any person within this village who has not filled out, signed and had witnessed by a notary public a federal firearms affidavit.

(b) It shall be unlawful, for any person to purchase any deadly weapon as defined in this article without filling out a federal firearms affidavit in writing, setting forth in such affidavit the name, address, age, height, weight, complexion, nationality and other elements of identification. Upon witnessing the identification of the applicant, the officer of the company, clerk or secretary, holding a notary public seal from the state shall notarize the affidavit. It shall be the duty of the notary, upon witnessing the identification of the applicant to affix his notary seal and sign the affidavit, refusing any applicant whom he concludes is a minor, lacks proper identification, shows physical signs of being a narcotic, or is unemployed.

17-211. *Required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the village, any deadly weapon as defined in this article, without securing a license so to do as provided in this division and the general licensing provisions of this chapter.

Glencoe

24-49. *Sale of weapons which can be concealed.* It shall be unlawful to sell any firearms which can be concealed on or about the person in the village.

24-50. *Sale, etc., to minors.* No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, or any air gun or ammunition for any firearm or air gun within the village.

Glen Ellyn

12.23 (e) *Sales to Intoxicated Persons and Minors.* No person shall purchase from or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, or to any person in a condition of agitation or excitability, or to a minor under the age of eighteen years.

Granite City

1: It shall henceforth be unlawful for any person, firm, or corporation to sell, display for sale, or offer to sell to any minor, any revolver, pistol, shotgun or rifle or any air gun, "BB" gun, gas-operated gun, spring gun, or any instrument, toy or weapon commonly known as a six-shooter, sling shot, whether such instrument is called by any name set forth above or by any other name.

2: It shall be unlawful to sell or offer to sell to any minor any shell, cartridge, charge, pellet, ammunition or other device to be used, discharged or propelled from any of the items mentioned in Section 1 hereof.

Harvey

29-374. No person shall sell, loan, or furnish to any minor, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm, in which any explosive substance can be used, or any air-gun, spring-gun, slung-shot, or any similar weapon or device within the city. * * *.*

1811-4. After the proclamation of a civil emergency, the Mayor of the City of Harvey may also in the interest of public safety and welfare make any or all of the following orders: (c) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(d) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

Highland Park

134.001. *Definitions: For the purpose of this chapter.* (A) The term "person" includes any individual, corporation, company, association, partnership, society or joint stock company.

(B) The term "hand gun" means any device, or part of a device, by whatever name known, which is designed or may be readily converted to expel a projectile or projectiles by the action of an explosive, expansion of gas or air, or escape of gas or air, having an over-all length of 18 inches or less and designed to be held and operated with and by one hand.

(C) The term "Chief of Police" means the head law enforcement officer of the City of Highland Park or his duly authorized agent.

134.002. *Manufacture, assembly, sale prohibited—special permit.* No person shall engage in the business of manufacturing, assembling or selling, within the corporate limits of the City of Highland Park, any hand gun as defined in Section 134.001 of this Code, except in compliance with the provisions of this Chapter. No person shall engage in the business of manufacturing, assembling or selling such hand guns without first having been granted a special permit therefor by the City Council. No such permit shall be granted to any person ineligible to register a hand gun in accordance with the requirements of Sections 134.007 and 134.010, nor to any person who fails to meet the standards for Federal and Illinois Dealer's licenses.

Hodgkins

1. *License to sell, loan or give away:* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, bowie knife, switchblade knife, dirk, air rifle or air gun, or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within the Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Hoffman Estates

1. *License:* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, bowie knife, dirk, air rifle or air gun, or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

2. *Application:* Any person, firm or corporation desiring to sell or offer for sale firearms or other dangerous weapons in the Village of Hoffman Estates, shall make application in writing to the Board of Trustees for a license so to do. * * *

5. *Permit:* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or weapon of like character, without first securing from the Village Clerk a permit so to do.

6. *Refusing permit:* It shall be the duty of the Chief of Police to refuse his approval of such permit to:

(a) All persons having been convicted of any crime.

(b) All minors. * * *.

Island Lake

7. *Unlawful use of weapons.* (5) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(6) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails * * *.

Joliet

32-19. *License required.* It shall be unlawful for any person to engage in the business of selling or to sell or offer to sell or give away to any person within the city any pistol, rifle, shotgun, revolver, Bowie knife, dagger or other weapons of like character without first securing a license to do so. * * *

32-21. *Sales to minors.* None of the articles governed by this article or of like character, shall be sold to any minor.*

32-22. *Permit required for concealable weapons.* (a) No sale of any revolver, pistol, Bowie knife, or other deadly weapon which can be concealed on the person shall be made by any licensee under this article to any purchaser unless the purchaser shall first exhibit to the licensee a permit for the purchase thereof, issued by the chief of police of the city.

Kankakee

10-27. *Authority to make certain orders.* After the proclamation of a civil emergency, the mayor of the city may also in the interest of public safety and welfare make any or all of the following orders:

(3) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(5) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(6) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition.

136-1. *Unlawful use of weapons.* (A) A person commits the offense of unlawful use of weapons when he knowingly: (1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, sling shot, sand club, shotgun with a barrel less than 18 inches in length, metal knuckles or any knife,

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

La Grange

155–110. *Fixed ammunition—license.* Any person or corporation desiring a license for the sole purpose of keeping, selling, or giving away loaded ball cartridges or shot shells for use in rifles, pistols or shotguns shall be entitled to a license upon application made as provided in Chapter 155 of this code, provided that such licensee shall not have on hand at any time more than 25,000 rounds of such ammunition.

Lake Bluff

52.02. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece, or other firearm within the limits of the Village of Lake Bluff.*

Lindenhurst

41.01. *Gun dealers—license required.* No person shall engage in the business of selling or sell or give away any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so. * * *.

41.06. *Restrictions on sale or gift.* It shall be unlawful for any person to sell, barter or give away to any person within the village any deadly weapon mentioned in this section except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the village marshal as herein required. This does not apply to sales made of such articles which are to be delivered or furnished outside the village.

41.07. *Permit to purchase weapon.* It shall be unlawful for any person to purchase any deadly weapon mentioned in this section without first securing from the village marshal a permit to do so. * * *.

41.09 *Gunsmiths—license required.* No person shall engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license to do so as provided in chapter 31.

41.14. *Permit.* No such licensees shall sell or give away any such weapon to any person within the village who has not secured a permit from the village marshal to purchase such weapon in the manner herein provided.

Lockport

15–1. *License—Manner of issuance.* It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell, or offer for sale or give away to any person within the City limits any pistol, rifle, shotgun, revolver, bowie-knife, dagger or other weapons of like character without securing a license to do so.*

15–3. *Sale to minors.* None of the articles enumerated above, or of like character, shall be sold to any minor.

15–5. *Permit.* No sale of any revolver, pistol, bowie-knife, or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless said purchaser shall first exhibit to said licensee a permit for the purchase thereof, issued by the Chief of Police of this City. It shall be the duty of the Chief of Police to refuse such permit to all minors or persons having been convicted of any crime.

Lombard

9.16.040. *Selling firearms to minors unlawful.* No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, in which any explosive substance can be used, within the limits of the village.*

Maywood

8.259. *It shall be unlawful for any person* to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, Bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license so to do.

8.265. *It shall be unlawful for any person* to purchase any deadly weapon mentioned in Section 8.259, which can be concealed on the person without first securing from the Chief of Police a permit so to do. * * *.

It shall be the duty of the Chief of Police to refuse such permit to any person having been convicted of any crime, and any minor. * * *.

8.268. *It shall be unlawful for any person* to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

McCook

9–10–3. *License to sell:* Firearms for the purposes of this Chapter are pistols, revolvers, guns, and small arms of a size and character that may be concealed upon or about the person. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. And no person, having secured such license, shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

9–10–4. *Purchasers of firearms:* No person shall be permitted to purchase a firearm without having secured a permit from the Chief of Police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen (18) years of age or an alien. * * *

9–10–8. *Sale or gift:* No person shall sell or give to any alien or to any minor under the age of eighteen (18) years any firearm of a size which may be concealed upon the person.*

Melrose Park

93.1 *Generally:* * * * No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, within the corporate limits of the Village of Melrose Park. * * * No person, firm or corporation shall engage in the business of selling or sell or give away to any person within the Village of Melrose Park, any pistol, revolver, derringer, bowie knife, dirk or other weapon, of light character which can be concealed on the person, and no person, firm or corporation having secured such a license, shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police or President of the Village to purchase such weapon in the manner hereinafter provided. * * *.

93.2 *License to sell firearms:* Any person, firm or corporation desiring a license authorizing the sale of any of the deadly weapons mentioned in the foregoing Section shall make application in writing to the President of the Village, setting out in such application the full name and residence of the applicant, if an individual, and if a firm or corporation the name and residence of each of its members or officers. Such application shall also set out the location at which it is intended or desired to conduct such business. * * *.

93.3 *Other requirements:* (b) It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police or the President of the Village a permit so to do. Before any such permit is granted, an application in writing shall be made therefore, setting forth in the application the name, address, age, height, weight, complexion, nationality and other elements of identification, of the person desiring such permit. Such application shall also contain a recommendation that the permit shall issue, from two persons who shall be known to the Chief of Police or the President as persons of reputation and residents of the Village at least one year, or who shall appear to be taxpayers residing within the Village.

Midlothian

6–4–4. *Sale to minors prohibited.* It shall be unlawful to sell, loan or give, to any person under the age of eighteen (18) years any BB gun, pellet gun, or other weapon capable of projecting or discharging projectiles of any type by any force, bean blowers, or any other dangerous or deadly weapon or instrument of like character.

It shall be unlawful to sell, loan or give to any person under the age of eighteen (18) years any ammunition, BB's or other projectiles which could be used as ammunition with any of the weapons referred to in the foregoing provisions of this Section.

6–4–8. *Shotguns; sale to minors.* It shall be unlawful to sell a shotgun or shotgun shells to any person under the age of twenty-one (21) years.

Moline

27–47. *Unlawful use of weapons.* A person commits the offense of unlawful use of weapons when he knowingly: * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or * * *

27–48. *Unlawful sale of firearms.* A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or*

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict * * *

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this state or any other jurisdiction; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made. However, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of the state under which the firearm is mailed to a point outside the boundaries of the state; or

(3) The sale of a firearm to a nonresident of the state while at a showing or display recognized by the state department of public safety; or

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part; or

(5) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

Morton Grove

132.100 *Selling deadly weapons; sales to minors.* (B) No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the village any gun, pistol, revolver, fowling-piece, or other firearm, or any toy gun, toy pistol, toy fowling-piece, or other toy firearm in which any explosive substance can be used, or any bowie knife, dirk, dagger, or other deadly weapon of a like character. * * *.*

Niles

22–44. *Affidavit to purchase firearms.* (a) It shall be unlawful for any person dealing in firearms to sell, barter, loan, or give away to any person within the village any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have filed with the dealer an affidavit affirming the requirements stated below, and it shall be the duty of the person dealing in firearms to receive and keep such affidavit in a permanent file for inspection purposes. * * *

(b) The following persons are covered by the section and not eligible to purchase a firearm:

(1) Any person convicted of a felony;

(2) Any minor under the age of eighteen (18) years;

(3) A narcotic addict.

22–45. *Selling, furnishing firearms to minors.* It shall be unlawful for any person to sell, give, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, rifle, revolver or other firearm within the corporate limits of the village.*

Northbrook

17.25. *Unlawful use of weapons.* A person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses, or carries any bludgeon, blackjack, sling-shot, sand-club, sand-bag, shotgun with a barrel less than 18 inches in length, metal knuckles or any knife, commonly referred to as a switchblade knife which has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife; or

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses, or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device.

(c) Paragraph 17.25(g) shall not apply to or affect any of the following: (1) Peace officers. (2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense. (3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty. (4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this paragraph 17.26 (c) to possess such, provided said machine guns are broken down in a non-functioning state or not immediately accessible. * * *.

Oak Park

45.1. *Definition of "firearms".* "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

45.2. *Sale of firearms and other weapons prohibited.* It shall be unlawful to sell any firearms, air guns, air pistols, spring guns or spring pistols or other device which is calculated or intended to propel or project a bullet, pellet, pointed arrow or similar projectile to any person who has been previously convicted of a crime or to any person under eighteen years of age or to an alien.

45.3. *Application to purchase firearms.* No person shall be permitted to purchase a firearm with out first filing an application therefor with the seller. * * * A copy of the application shall be forthwith furnished to the Chief of Police and no firearm shall be delivered to the purchaser until two days have elapsed from the filing of the application with the Chief of Police.

45.4. *License and permit to deal in firearms—required.* It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor.

45.9. *Defacing identification marks.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

45.10. *Sale, etc., of firearms to infants or aliens.* No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.*

Oregon

8-6-3: *Firearms:* No person shall sell, loan, exchange, deliver or give away to any minor any gun, pistol, fowling piece or other firearm within the corporate limits of the City.*

Peoria

41-4. *License to sell, etc.—Required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, Bowie knife, dirk or other deadly weapon, which can be concealed on the person, without securing a license so to do.

41-8. *Required certificate and thumb print.* It shall be unlawful for any person to sell, barter, or give away to any person within the City, any deadly weapon mentioned in Section 41-4 of this code, except to licensed dealers, without first obtaining from the customer a signed statement in which the customer states that he is over twenty-one (21) years of age, that he is not under indictment for, nor has been convicted of, a crime punishable by imprisonment for a term of one year or more, that he is not a fugitive from justice, nor an unlawful user of or addicted to a depressant, stimulant or narcotic drug, nor that he has been adjudicated mentally defective or has been committed to a mental institution * * *.

41-11. *Restriction on sale.* It shall be unlawful for any person to sell, barter or give away, to any person within the city, any deadly weapon mentioned in section 41-4 of this Code, to any person known to him to be under twenty-one (21) years of age or of unsound mind or under indictment or a drug addict or a fugitive from justice or who has been convicted of a crime of violence.

Peoria Heights

1. *License required.* It shall be unlawful for any person to engage in the business of selling any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so from the Village Clerk.

5. *Restrictions on sale or gift.* It shall be unlawful for any person to sell, barter, or give away to any person within the Village any deadly weapon mentioned in Section 1 hereof, to any person known to him to be under twenty-one (21) years of age, of unsound mind, or under indictment, or a drug addict, or a fugitive from justice, or who has been convicted of a crime of violence.

Pinckneyville

39. *Minors not to have certain weapons.* No person, not being the father, guardian or employer of a minor, shall, by himself, agent, servant, or employee, directly or indirectly, sell, give, loan, hire or barter to any such minor, within the city, any pistol, revolver, derringer, bowie knife, dirk, slung shot or other weapon of like character.*

Rockford

7-260. *License required.* It shall be unlawful for any person to engage in the business of repairing or selling, or to repair, sell or give away to any person within the city a new or used pistol, revolver, derringer, bowie knife, dirk or other weapon of similar character which can be concealed upon the person, without first having secured a license.

7-261. *Permit to purchase.* It shall be unlawful for any person to purchase or receive as a gift any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed upon the person without first securing a permit from the chief of police, whose duty it shall be to refuse all permits to persons who have been convicted of any crime and all minors. * * *

7-262. *Sale to be to licensed dealers and holders of permits.* It shall be unlawful for any person to sell, barter, exchange or give away to any person within the city, any

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

pistol, revolver, derringer, dirk, or other weapon of like character which can be concealed upon the person, except to a licensed dealer and to persons who have secured a permit for the purchase of such articles from the chief of police.

7–263. *Sales to minors; displays.* It shall be unlawful for any person to give, loan, or sell any pistol, revolver, derringer, bowie knife, dirk, or other deadly weapon of similar character to any person under the age of twenty-one (21) years * * *.

19–48. *Unlawful use of weapons.* (a) A person commits the offense of unlawful use of weapons when he knowingly: * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or * * *

Sec. 19–52. *Furnishing bullets, pellets, arrows, etc., to minors.* It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, pellet, steel-tipped arrow or other missile or projectile to any person under the age of eighteen (18) years and it shall be unlawful for any person under the age of eighteen (18) years to obtain any ammunition, ball, bullet, pellet, steel-tipped arrow or other missile or projectile by purchase, sale or gift, or in any other manner.

Rolling Meadows

13–36. *Same—Handling, possession by minors.* (a) *Prohibited.* It shall be unlawful for any parent or guardian of any child under the age of eighteen (18), to permit, suffer or allow any such child to handle or have in his possession within the city any cannon, gun, pistol or any toy gun, toy cannon, toy pistol, air gun or any other similar weapon which if discharged is of sufficient force or power to inflict bodily injury.

Schaumburg

Five: *Permit.* It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village, any pistol, revolver or any other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a valid firearm owner's identification card from the Department of Public Safety of the State of Illinois. Every such person dealing in firearms shall, on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection the Register so required to be kept.

Six: *Minors.* It shall be unlawful for any person to sell or give to any minor, any pistol, revolver or other firearm that may be concealed upon the person within the corporate limits of the Village.*

Skokie

27–17. *Permit.* It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Skokie, any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police, * * *. It shall be the duty of the Chief of Police to refuse such permits to:

(A) All persons having been convicted of any crime;

(B) All minors.

27–18. *Minors.* It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, rifle, revolver or other firearm within the corporate limits of the Village.*

South Beloit

18–10. *Unlawful use of weapons—prohibited.* (a) A person commits the offense of unlawful use of weapons when he knowingly: * * *:

(6) Posses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses, or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle, or other container containing an explosive substance, such as but not limited to black powder bomb and Molotov cocktails; or * * *.

32. *Firearms—canon—not to furnish to minors.* No person shall fire or discharge any gun, pistol, revolver, fowling-piece or other firearm within the corporate limits of the City, nor shoot, discharge or fire off any canon or piece of artillery in said City, and no person shall sell, loan or furnish to any minor any such gun, pistol, revolver, fowling-piece or other firearms. This shall not apply to officers and persons authorized by law to carry and use such firearms.*

South Elgin

18. *Unlawful use of weapons.* No person shall commit the offense of unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly: (1) sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slungshot, sand-club, sand-bag, shotgun with a barrel less than 18 inches in length, * * *.

(6) possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Springfield

31.45. *Minors not to handle or possess firearms, air guns, etc.* It shall be unlawful for any parent or guardian of any child under the age of eighteen, to permit, suffer or allow any such child to handle or have in his possession within the city, any cannon, gun, pistol or any toy gun, toy cannon, toy pistol, air gun or any other similar weapon, or which if discharged is of sufficient force or power to inflict bodily injury.

Streamwood

19.1001. *Definition of firearm.* Firearm for the purpose of this article is a pistol, revolver, gun and small arms of a size and character that may be concealed upon or about the person.

19.1002. *Definition of deadly weapon.* A deadly weapon is a firearm as hereinabove defined including but not limited to knives, axes, hatchets, swords, black jacks, slingshot, razor, tear gas, bomb, any object containing noxious liquid, gas or substance.

19.1005. *Permit to purchase firearms.* No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

19.1006. *License and permit to deal in firearms.* It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. No person, having secured such license, shall sell, loan or give away, any such weapon to any person who has not secured a permit from the chief of police to pucrhase such weapon.

Summit

6–7–1: *License required:* It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon, any air rifle or air gun, or any toy firearms or other toy in the nature of a firearm in which any bullet, pellet, or other object can be expelled by means of air pressure or any explosive substance without securing a li- weapon to any person within the Village who has not secured a permit from the Chief cense so to do, and no person having secured such license shall sell or give away any such of Police to purchase such weapon in the manner hereinafter provided.

6–7–5: *Permit required:* It shall be unlawful for any person to purchase any weapon described in Section 6–7–1 hereof, without first securing from the Chief of Police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application, the name, address, age, height, weight, complexion, nationality, and other elements of identification of such person desiring such permit. Such application shall also contain a recommendation from two (2) persons who shall appear to be taxpayers residing within the Village that the permit shall issue.

Swansea

27.28 *Unlawful possession of firearms and firearm ammunition.* (a) A person commits the offense of unlawful possession of firearms or firearm ammunition when: (1) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Tuscola

18–51. *Same—Selling or furnishing to minors.* Whoever, not being the father, guardian or employer of a minor by himself or agent, shall sell, give, loan, hire or barter to

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

any minor within the corporate limits of the city, any pistol, revolver, derringer, bowie knife, dirk or other deadly weapon of like character, capable of being secreted upon the person shall be subject to penalty as provided by section 1-8 of this Code.*

Urbana

21.56. *Weapons—infants.* Any person who, not being the father, guardian or employer of a minor, by himself or agent, shall sell, give, loan, hire or barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, Bowie-knife, dirk or other deadly weapon of like character, capable of being secreted upon the person, shall be subject to the penalties set out in section 1.6 of this Code.*

Venice

9-5-4: *Weapons:* No pawnbroker shall receive as a pledge or purchase any revolver, pistol, blackjack or sawed-off shotgun; and no pawnbroker shall display in his window or shop any such weapons for sale.

Washington

16-26. *Same—Selling, etc., weapons to prohibited.* No person shall sell, give, loan, hire, barter or furnish, to any minor within the city, any gun, pistol, revolver, fowling-piece or toy firearm, in which any explosive substance can be used, or any Bowie knife, dirk, dagger or other deadly weapon of a like character.*

Wauconda

2103.3. *Unlawful use of weapons.* A person commits the offense of unlawful use of weapons when he knowingly: (1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, sling-shot, sand-club, sand-bag, shotgun with barrel less than 18 inches in length * * *.

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

2103.5. *Unlawful sale of firearms.* A person commits the offense of unlawful sale of firearms when he knowingly: (a) Sells or gives any firearms of a size which may be concealed upon the person to any person under 18 years of age; or*

(b) Sells or gives any firearm to any narcotic addict; or

(c) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

2103.7 *Defacing identification marks of firearms.* (b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Waukegan

44.16. *Dealers in deadly weapons.* (a) License Required. No person shall engage in the business of selling or sell or give away any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so * * *.

(b) Approval. The Chief of Police shall approve the application before a license shall be issued.

(f) Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this section except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police as herein required. This does not apply to sales made of such articles which are to be delivered or furnished outside the city.

(g) Permit to purchase weapon. It shall be unlawful for any person to purchase any deadly weapon mentioned in this section without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit. It shall be the duty of the Chief of Police to refuse such permit to any person convicted of any crime, and any minor.

44.17. *Gunsmiths.* (a) License Required. No person shall engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license to do so * * *.

71.30 *Sale of weapons to minor or alien.* No person shall sell or give to any alien or to any minor under the age of 18 years any firearms or dangerous or deadly instruments of any character.*

Western Springs

63.3 *Fixed ammunition—license.* Any person or corporation desiring a license for the sole purpose of keeping, selling, or giving away loaded ball cartridges or shot shells for use in rifles, pistols, or shotguns shall be entitled to a license upon application made as provided in chapter 27 of this code, provided that such licensee shall not have on hand at any one time more than 25,000 rounds of such ammunition.

Wheaton

17-83. *Enumeration of dangerous, deadly weapons.* The term "dangerous or deadly weapon" as used herein shall include pistols, revolvers, rifles or other firearms, daggers, billies, bowie knives, and any other deadly weapons which, except for this article, may be lawfully possessed by any person.

17-84. *Selling, furnishing to minors; exceptions.* It shall be unlawful for any person to sell, give, or loan to any minor under the age of eighteen (18) years any deadly or dangerous weapon. * * *.*

17-93. *License—required.* It shall be unlawful for any person to engage in the business of selling or otherwise dealing in dangerous or deadly weapons (hereafter called a dealer) in the city without securing a license therefor.

Wilmette

5-10.1. *License required;* * * *. It is unlawful for any person to engage in the business of making, selling, or repairing firearms of any type, size or description without first having obtained a license therefor.

5-10.2. *Permit to purchase.* It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Wilmette firearms of any type, size or description, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police. * * *

It shall be the duty of the Chief of Police to refuse such permits to:

(a) All persons having been convicted of a crime.

(b) All minors.*

Winnetka

5-44. *Weapons.* No pawnbroker shall receive as a pledge or purchase any revolver, pistol, machine gun, blackjack or sawed-off shotgun, and no pawnbroker shall display in his window or shop any such weapons for sale.

13-51. *Weapons—Sale to minors prohibited.* No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, or any air gun or ammunition for any firearm or air gun, within the limits of the village.*

Worth

40.6. *License and permit to deal in firearms—required.* It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the Village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. No person, having secured such license, shall sell, loan or give away, any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

Zion

16-160. *Dealing in, displaying weapons.* No pawnbroker shall receive as a pledge or purchase any revolver, pistol, blackjack or sawed-off shotgun. No pawnbroker shall display in his window or shop any such weapon for sale.

28-1. *Unlawful use or carrying of weapons—defined.* (a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single funotion of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * *

28-14. *To be licensed.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billy, derringer, Bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so.

28-20. *Restrictions on sale or gift.* It shall be unlawful for any person to sell, barter, or give away to any person within the city any deadly weapon mentioned in this article except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the city.

28-21. *Permit required to purchase; application.* It shall be unlawful for any person to purchase any deadly weapon mentioned in this article which can be concealed on the person without first securing from the chief of police a permit so to do. Before any such

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit.

28–34. *License required.* It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

INDIANA

State Law

IND. STATS. ANN. (BURNS) TITLE 10

10–4701. *Intoxicated persons—Sale or gift of weapons to.*—Whoever sells, barters, gives, or delivers any pistol, dirk, bowie-knife, dagger, or any other dangerous or deadly weapon, to any person at the time in a state of intoxication, knowing him or her to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him or her to be a person who is in the habit of becoming intoxicated, shall upon conviction be fined in any sum not exceeding one thousand dollars ($1,000) or imprisoned in the county jail not less than thirty (30) days nor more than six (6) months or both such fine or imprisonment in the discretion of the court.

10–4702. *Minors—Sale or gift of weapons to.* It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one (21) years any pistol, dirk or bowie-knife, slung-shot, knucks or other deadly weapon that can be worn or carried concealed upon or about the person, or to sell, barter or give to any person under the age of twenty-one (21) years any cartridges manufactured and designed to be used in a pistol or revolver. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars ($5.00) nor more than fifty dollars ($50.00).

10–4712. *Machine guns and bombs—Ownership, possession, or control.* Whoever shall be the owner of, or have in his possession, or under his control, in an automobile, or in any other way, a machine gun or bomb loaded with explosives, poisonous or dangerous gases, shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned for a term of not less than one (1) year nor more than five (5) years.

10–4713. *Machine guns and bombs—Operation and discharge.* Whoever shall discharge, fire off, or operate any loaded machine gun, or whoever shall drop from an airplane, automobile, or from any building or structure, or who shall throw, hurl, or drop from ground or street, or keep in his possession and under his control any bomb filled with deadly or dangerous explosives, or dangerous or poisonous gases, shall be deemed guilty of a felony and upon conviction shall be imprisoned for a term of not less than two (2) nor more than ten (10) years.

10–4714. *Machine guns and bombs—Exceptions from application of chapter.*—The provisions of this chapter [§§ 10–4712—10–4714] shall not be construed to apply to any of the following named persons and acts, nor to apply under any of the following described circumstances, to wit: (a) To members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing; (b) To machine guns or bombs kept for display as relics and which are rendered harmless and not useable; (c) To any of the police, sheriffs or other officers of this state or the United States of America charged with the duty of law enforcement while acting within the scope of their employment and in connection with an in the furtherance of their duties; (d) To persons lawfully engaged in the display, testing or use of fireworks; or (e) To persons, firms agencies of the state government; or corporations and the employees, servants, or agents of such persons, firms, agencies, or corporations authorized or permitted by law to engage in and engaged in the business of manufacturing, assembling, conducting research on or testing machine guns, bombs, airplanes, tanks, armored vehicles or ordnance equipment or supplies while or when acting within the scope of and in furtherance of such business; and (f) To persons, firms or corporations possessing, or having applied to possess machine guns under applicable United States Statutes, providing, that such machine guns shall also be transferred as are handguns, as provided in IC 1971, 35–23–4.1–7 [§ 10–4751g].

10–4751a *Firearms—Definitions.*—As used in this chapter (a) The term "firearm" means any weapon which is capable of or designed to or which may readily be converted to expel a projectile with deadly force by means of an explosion;

(b) The term "handgun" means any firearm designed or adapted so as to be aimed and fired from one hand regardless of barrel length, or any other firearm with a barrel less than sixteen [16] inches in length, or an overall length of less than twenty-six [26] inches;

(c) The term "crime of violence" includes each of the following offenses or an attempt to commit any of them: murder, voluntary manslaughter, kidnapping for the purpose of ransom, rape, malicious mayhem, assault or assault and battery with intent to commit a felony, aggravated assault and battery, robbery, bank robbery, automobile banditry, and burglary in the first or second degree. The term also includes any felony or attempted felony in which bodily harm or the threat of bodily harm is directed against a human being or in which harm is done or threatened against a place of human habitation or employment;

(d) The term "person" includes firms, corporations, partnerships, or associations, as well as human beings;

(e) The term "place of abode" means a place of residence which is more than temporary in nature and to which the dweller, when absent, intends to return;

(f) The term "superintendent" means the superintendent of the Indiana state police department;

(g) The term "retail" means the sale of handguns singly or in small quantities to one who intends to be the ultimate user thereof;

(h) The term "wholesale" means the sale of handguns singly or in bulk lots to one lawfully licensed to deal in the same, or the sale of a handgun or handguns to a governmental law enforcement agency for issue to its law enforcement officers, agents or employees;

(i) The term "dealer" means any person who holds himself out as a buyer and seller of handguns on a regular and continuing basis;

(j) The term "police officer" means any state, city, or town law enforcement officer who is employed with unlimited police authority on a full-time basis to enforce the laws of the state of Indiana.

10–4751d *Persons excepted.*—The provisions of section 3 of this chapter do not apply to marshals, sheriffs, prison or jail wardens or their deputies, judicial officers, policemen or other law enforcement officers, or while they are on duty, to members of the armed forces of the United States or of the national guard or organized reserves; nor do the provisions of section 3 [§ 10–4751c] of this chapter apply to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state, provided such members are at or are going to or from their place of assembly or target practice, or to officers or employees of the United States duly authorized to carry handguns, or to employees of express companies when engaged in company business, or to any person engaged in the business of manufacturing, repairing or dealing in firearms or the agent or representative of any such person having in his possession, using or carrying a handgun in the usual or ordinary course of that business, or to any person while carrying a handgun unloaded and in a secure wrapper from the place of purchase to his place of abode or fixed place of business, or to a place of repair or back to his place of abode or fixed place of business, or in moving from one place of abode or business to another.

10–4751f *Prohibited sales or transfers.*—No person, except an individual acting within a parent-child or guardian-ward relationship shall sell, give or in any other manner transfer the ownership of a handgun to any person under the age of eighteen [18], and in no event shall any person sell, give, or in any manner transfer the ownership or possession of a handgun to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or is a habitual drunkard, or is of unsound mind.

10–4751g *Persons to whom regulations apply—Seven day waiting period—Application for sale or transfer of handgun—Fingerprints—Fee—Penalty.*—The regulation of the sale of handguns imposed by this chapter shall apply equally to an occasional sale, trade or transfer between individual persons and to retail transactions between dealers and individual persons.

(a) Except as otherwise provided in this section, this section does not apply to sales at wholesale. No transferor shall deliver a handgun to a transferee until at least seven [7] calendar days shall have elapsed from the time of the application for the transfer and, when delivered, the handgun shall be securely wrapped and unloaded.

(1) The seven [7] day waiting period shall not apply to marshals and sheriffs and their deputies and policemen and other law enforcement officers. Any marshal, sheriff, deputy sheriff, policeman or other law enforcement officer who takes advantage of this exception to purchase a handgun for someone other than himself shall be guilty of a misdemeanor.

(2) The seven [7] day waiting period shall also be waived for any person to whom a qualified or unlimited handgun-carrying license has been issued, upon exhibition of the license to the transferor. The transferor shall note on the application-to-purchase form the serial number of the license, the expiration date, the issuing authority, and the notation "waiting period waived," together with the date on which the handgun or handguns are released to the applicant. Any person using or seeking to use a false, counterfeit, spurious or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter shall be subject to the penalties provided in section 18 of this chapter.

(b) At the time of applying for the transfer of a handgun, the transferee shall complete and sign an application in triplicate in the presence of the transferor containing the following information: Date and hour of the transfer, name, full address, occupation,

sex, color of eyes, color of hair, race, complexion, age, place of birth, date of birth, nationality, height, weight, build, scars and marks, and the make, model, caliber designation and manufacturer's serial number of the handgun or handguns transferred. This application, in triplicate, shall be deposited with the transferor who shall, within eight [8] hours of the time of execution of the application, sign and attach his address and forward by first class mail or deliver in person one [1] copy of the application to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident; one [1] copy duly signed by the transferor shall at the same time be forwarded by him with his address to the superintendent; and he, the transferor, shall retain one [1] copy for six [6] years. If the superintendent shall by administrative rule require, the application forms forwarded to the superintendent may be accompanied by a full or partial set of legible and classifiable fingerprints of the transferee, taken by the transferor or by an agent of the transferor. Repeated instances of the transferor intentionally forwarding illegible fingerprints shall, in the case of a dealer, constitute grounds for the suspension or revocation of the dealer's license. Upon receipt of the handgun transfer application forms, the chief of police or sheriff, and the superintendent shall search the records of their respective departments concerning the transferee, and they shall forward immediately in both verbal and written form to the transferor any information constituting grounds for nondelivery of the handgun or handguns. In the case of the occasional transfer of a handgun between individuals, both the transferor and the transferee shall complete the application and fingerprint forms at any sheriff's office, police station, state police post, or licensed dealer, with the required fingerprints to be taken by a qualified person and the forms being forwarded to the appropriate chief of police or sheriff and to the superintendent, by the person taking the fingerprints. No charge shall be made for this service by any police agency; however, a dealer may charge a fee not to exceed two dollars [$2.00] for his services in assisting in the processing of the transfer, which fee is to be assessed of the transferor. It is the intent of this chapter that all sale forms shall be completed by the transferee in the presence of the transferor and that delivery of the handgun or handguns not take place until the seven [7] day waiting period has elapsed or has been waived as indicated above. Any notice from the chief of police or sheriff or from the superintendent indicating that the information on the transferee's application is untrue or incomplete or that the transferee has been convicted of a violation of this chapter or any crime of violence shall be grounds for nondelivery of the handgun or handguns, and in such case, delivery shall not occur without written approval of the superintendent.

(c) Delivery of a handgun by the transferor or his agent to the transferee prior to the expiration of the seven [7] day waiting period, except when the waiting period has been waived under this section, or delivery to any transferee without the superintendent's written approval after receiving notice of grounds for nondelivery is a misdemeanor and in addition, constitutes grounds for the immediate suspension of the retail dealer's license.

(d) No additional record of any lawful transfer of any firearm shall be made or maintained by any local of state official or agency; and, all forms utilized in executing lawful firearm transfers, with the sole exception of those remaining with the transferor, shall be forwarded within six [6] months to the transferee indicated on the forms. Said forms shall then be retained by the transferee as proof of ownership of the firearm or firearms listed thereon.

10–4751h *Retail dealer—License required.*—A retail dealer shall not sell, trade, or otherwise transfer or expose for sale, trade, or transfer, or have in his possession with intent to sell, trade, or transfer, any handgun without being licensed under section 9 of this chapter.

10–4751i *License as retail handgun dealer—Application — Fingerprints — Fee — Conditions.*—A person desiring a license as a retail handgun dealer shall apply to the sheriff of the county in which he resides, or if he is a resident of another state and has a regular place of business in this state, then to the sheriff of the county in which he has a regular place of business. The officer to whom the application is made shall ascertain concerning the applicant his name, full address, occupation, sex, race, age, place of birth, date of birth, nationality, height, weight, build, color of eyes, color of hair, complexion, scars and marks, and any criminal record (minor traffic offenses excepted). In addition, the officer to whom the application is made shall search his records, conducting an investigation into the applicant's character and reputation. Based on the information contained in the application, which the officer shall verify for accuracy, and the results of the officer's investigation, the officer to whom the application is made shall forward this information in as many copies as the superintendent shall designate together with his recommendation for approval or disapproval, and one [1] set of legible and classifiable fingerprints of the applicant to the superintendent, who may make whatever further investigation he deems necessary. In addition, whenever disapproval is recommended, the officer to whom the application was made shall provide the superintendent and the applicant with his complete reasons for the disapproval in writing. If the officer to whom the application is made recommends approval, he shall instruct the applicant in the proper method of taking legible and classifiable fingerprints. If it appears to the superintendent that the applicant is of good character and reputation and a proper person to be so licensed, he shall issue to said applicant a retail handgun dealer's license which shall be valid for a period of two [2] years from the date of issue. The fee for said license shall be five dollars [$5.00], which shall be deposited with the officer to whom the application is made who shall in turn forward it to the superintendent for deposit with the treasurer of state when the application is approved by the superintendent. In the event that said application is disapproved by the superintendent, said fee shall be returned to the applicant, along with the complete reasons, in writing, for the disapproval. No retail dealer's license shall be issued to any person who has been convicted of a crime of violence in this state or any state or country, or who has been convicted of a felony violation of this chapter [§§ 10–4751a—10–4751r]. A retail dealer's license shall permit the licensee to sell handguns at retail within this state subject to the following conditions in addition to those specified elsewhere in this chapter for breach of any of which the license may be suspended or revoked in accordance with applicable law and in addition the licensee may be subject to punishment as provided in this chapter:

(a) The business shall be carried on only in the site designated in the license and a separate license shall be required for each separate retail outlet. In the event a licensed dealer moves his place of business, he shall promptly notify the superintendent, who shall at once issue an amended license certificate valid for the balance of the license period. This section shall not apply to sales at wholesale.

(b) The license, certified by the issuing authority, shall be displayed on the business premises in a prominent place where it can be seen easily by prospective customers.

(c) No handgun shall be sold in violation of any provisions of this chapter, nor shall any handgun be sold under any circumstances unless the purchaser is personally known to the seller or presents clear evidence of his identity.

10–4751j *Loan secured by handgun prohibited.*—No person shall make any loan secured by a mortgage, deposit, or pledge of a handgun.

10–4751k *Penalty for giving false information or evidence of identity—Confiscation and disposal of handgun.*—No person, in purchasing or otherwise securing delivery of a handgun or in applying for a license to carry a handgun, shall give false information or offer false evidence of identity. In addition to any penalty provided by this chapter [§§ 10–4751a—10–4751r], any handgun obtained through false information shall be subject to confiscation and disposition as provided in this chapter. Upon notice of a violation of this section by the superintendent, it shall be the duty of the sheriff or chief of police or corresponding officer of the jurisdiction in which the purchaser resides, to confiscate the firearm and retain it as evidence pending trial for the offense.

10–4751l *Alteration, removal or obliteration of identifying marks prohibited.*—No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's serial number, or other mark of identification on any handgun, except as provided by applicable United States Statute.

10–4751m *Firearms exempted.*—This chapter [§§ 10–4751a—10–4751r] does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made on or before 1898.

10–4751n *Waiver of disability or pardon of conviction—Effect.*—A waiver of disability from United States authorities or a full pardon from the governor or other chief executive of the state, county or jurisdiction in which a conviction for any crime of violence or violation of this chapter [§§ 10–4751a—10–4751r] took place, shall, as to the conviction so pardoned, remove any disability under this chapter imposed by that conviction.

10–4751q *Use of false or altered handgun license unlawful.*—It is unlawful for any person to use, or to attempt to use, a false, counterfeit, spurious, or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter.

Hammond

27–201. *Explosives—Permit.* 1. No person or corporation shall keep, sell or offer for sale, or give away, anywhere within the City any gunnowder, guncotton, giant powder, dynamite, nitroglycerine, fulminate of mercury, or other high explosives of similar nature, in any quantity, whether in bulk or made up or kept in packages or cartridges, or kept, sell or offer for sale, or give away, anywhere within the City, any loaded paper or metallic shot shells or cartridges designed or intended to be used for shot guns, pistols, rifles or other firearms, or percussion caps or primers

with or without anvils, without a license permit issued for that purpose as hereinafter provided; Provided however that nothing herein contained shall be held to prevent any person from keeping on his own premises, for his own use, a quantity of gunpowder not exceeding one pound, or loaded shells or cartridges not exceeding five hundred in number.

Indianapolis

10-607. *Firearms for minors.* No person shall sell, loan or furnish to any minor, under the age of eighteen years, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm in which any explosive substance is or can be used, within the city; except that minors over fifteen years of age may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club, or rifle club, or to shoot game birds, in accordance with other provisions of this code, or the law.*

10-1008. *Selling weapons to narcotic users, etc.* No person shall sell, give, barter, exchange, lend, or otherwise dispose of, or place in the possession of any known, or suspected, habitual user of narcotics, or any known, or suspected, criminal or person with criminal purpose, any type of machine-gun or sawed-off shotgun, or pistol, or revolver, or ammunition therefor, or any knucks, billy, sandbag, dagger, dirk, bowie-knife, or stiletto, or any spring gun, or sword-cane, or any other dangerous weapon of any similar character, which may be carried or concealed on or about the person and which are commonly used and fit to be used unlawfully to inflict harm on or to any person.

Marion

1. *Sale and use of firearms by minors.* Be it ordained by the Common Council of the City of Marion, that it shall be and is hereby declared to be unlawful for any person to sell or give away within this city, to any minor, any rifle or gun for shooting powder and ball, or any air rifle, air gun, flipper or sling shot or other gun, rifle or device for shooting and propelling missiles and it shall be unlawful for any minor to have in his possession any such gun, rifle, flipper, sling shot or device on any of the public streets, alleys, lanes, avenues or commons of said city.

New Whiteland

8. *Selling weapons to narcotic users, etc.* No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of any known, or suspected, habitual user of narcotics, or any known, or suspected, criminal or person with criminal purpose, any type of machine-gun or sawed-off shotgun, or pistol, or revolver, or ammunition therefor, or any knucks, billy, sandbag, dagger, dirk, bowie knife, or stilletto, or any spring gun, or sword-cane, or any other dangerous weapon of any similar character, which may be carried or concealed on or about the person and which are commonly used and fit to be used unlawfully to inflict harm on or to any person; or any tools or devices or jimmies, commonly used for burglary: Provided, however, that ordinary pocket-knives, with blades not exceeding five inches in length and as so known and sold in legitimate trade, shall not be included in the terms of this section, and also that the provisions of this section shall not apply to any military forces, peace officers, or other persons so excepted by law for the possession, use, or disposal of any such things.

West Lafayette

2-38. *Powers of mayor.* (a) *Proclamation.* When, in the judgment of the mayor, a civil emergency as defined in this article is deemed to exist, he shall forthwith proclaim in writing the existence of same. In case of the absence of the mayor from the city, the chief of police shall be authorized to act in his stead.

(c) *Additional regulations.* After proclamation of a civil emergency, the mayor may also in the interest of public safety and welfare make any or all of the following orders:

(7) Order the discontinuance of selling, distributing, dispensing or giving away of firearms and ammunition.

IOWA

State Law

IOWA CODE ANN.

695.18. *Sale of dangerous weapons prohibited.* It shall be unlawful to sell, to keep for sale, or offer for sale, loan, or give away, dirk, dagger, stiletto, metallic knuckles, sandbag, or skull cracker, silencer, and no pistol or revolver shall be sold to any person under the age of eighteen years. The provisions of this section shall not prevent the selling or keeping for sale of hunting and fishing knives.

695.19 *Dealer's permit to sell.* It shall be unlawful for any person, firm, association, or corporation to engage in the business of selling, keeping for sale, exchange, or to give away to any person within the state, any revolver, pistol, or pocket billy, or other weapons of a like character which can be concealed on the person, without first securing a permit from the proper officials having authority to issue such permit.

695.20 *Record of permits to sell.* The chief of police, sheriff, or mayor shall have authority to issue permits to sell and shall keep a correct list of all persons to whom permits to sell are issued, together with the number of such permit,and the date each is revoked, and furnish the county recorder a copy of all such permits issued and revocations made.

695.26. *Selling firearms to minors.* No person shall knowingly sell, present, or give any pistol or revolver to any minor. Any violation of this section shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days. Nothing herein contained shall prohibit the sale of ammunition to minors who have been licensed to hunt by the state of Iowa and to those minors who by reason of hunting on their own premises are not required by law to have a hunting license.

695.29 *Purchase or sale of firearms in contiguous states.* A resident of Iowa not otherwise precluded by applicable law, may purchase firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories in states contiguous to Iowa. This authorization is enacted in conformance with Gun Control Act of 1968, 18 U.S.C. section nine hundred twenty-two (922)(b)(3)(A). In the event that presently enacted federal restrictions on the purchase of firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories are repealed by the United States Congress or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of firearms, shotguns, rifles, ammunition, reloading components, or firearms accessories by residents of Iowa otherwise competent to purchase the same in contiguous or other states.

A dealer licensed in Iowa may sell or deliver a rifle or shotgun, and a collector licensed in Iowa may sell or deliver a rifle or shotgun if it is a curio or relic, to a resident of an adjacent state, if the purchaser's state of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of Iowa and the adjacent state, and the purchaser and licensee have, prior to the sale or delivery for sale of the rifle or shotgun, complied with all the requirements of the Federal Gun Control Act of 1968.

696.1. *Possession.* No person, firm, partnership, or corporation, except law enforcement officers, shall knowingly have in his or its possession or under his or its control any machine gun of any nature or kind.

696.2. *Aiding possession.* No person, firm, partnership, or corporation shall do any act with the intent to enable any other person, firm, partnership, or corporation to obtain possession of such gun.

696.4. *Exceptions.* Sections 696.1 to 696.3, inclusive, shall not apply to:

1. Peace officers as herein provided.
2. Persons who are members of the national guards.
3. Persons in the service of the government of the United States.
4. Banks.

696.5. *Interpretative clause.* Section 696.4 shall not be construed to exempt any person therein specified when the possession charged had no connection with the official duties or service of said person.

696.6. *Relics* It shall be a defense that the machine gun or machine which the accused is charged with possessing was a gun which was in general use prior to November 11, 1918, and was, prior to the commencement of the prosecution, rendered permanently unfit for use, and was possessed solely as a relic.

696.7. *Additional exception.* This chapter shall not apply to any person or persons, firm, or corporation engaged or interested in the improvement, the invention, or manufacture of firearms.

697.10 *Definitions.* As used in this Chapter, unless the context otherwise indicates:

1. "Explosive device" means any material, container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contigu us objects.

2. "Incendiary device" means any inflammable material or container containing an inflammable liquid or material whose ignition, by fire, friction, concussion, detonation, or other method is intended to produce destructive effects primarily through combustion rather than explosion.

3. "Molotov cocktail" means a breakable container containing an explosive or inflammable liquid or other substance, having a wick or similar device capable of being ignited, and may be decribed as either an explosive or incendiary device. A "molotov cocktail" is not intended to mean a device commercially manufactured primarily for the purpose of illumination or other such uses.

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

697.11 *Unlawful materials—exceptions.* It shall be unlawful for any person to receive, possess, sell, purchase, or manufacture a bomb, bombshell, grenade, or incendiary or explosive device including but not limited to black powder bombs and molotov cocktails, or, with intent to assemble them, the materials which may be assembled into any such device and any person violating any of the provisions of this section shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than two thousand dollars or by imprisonment in the penitentiary or men's or women's reformatory for not more than five years, or by both such fine and imprisonment, or by imprisonment in the county jail for not more than six months; provided, however, that this section shall not apply to military and law-enforcement agencies and their personnel, and persons, firms, or corporations engaged in business, occupational or recreational use of commercial explosives, fireworks, firearms, or ammunition when possession and use is otherwise authorized or permitted by law. Section 697.10 and this section shall have no application to the possession or sale of rifle, pistol, or shotgun ammunition; nor shall it prohibit the use, sale, or possession of primers, percussion caps, brass, powder, and other components and supplies for hand loading or reloading rifle, pistol, or shotgun ammunition or loading muzzle-loading arms, where the same is for lawful purposes.

Cedar Rapids

63.16. *Prohibition against bombs.* No person shall sell, manufacture, produce, distribute, purchase, carry, possess or use any bomb, bombshell, grenade, bottle or other container containing an explosive, flammable, noxious gas, or chemical substance, such as but not limited to black powder bombs and Molotov cocktails. The provisions of this section shall not apply to any duly constituted police or military authorities or peace officers in the discharge of their duties.

Des Moines

26–11. *Report to chief of police.* Every secondhand dealer, or other merchant, shopkeeper or dealer who shall purchase or receive from any person any guns, pistols, or parts thereof, shall within twenty-four hours after purchasing or receiving such articles report the same in writing to the chief of police, * * *.

No person purchasing or receiving any such article shall melt up, destroy or dispose of the same without making such report or within fifteen days after such report is made, except upon written permit from the chief of police.

Marshalltown

75. *It shall be unlawful:* 13. *Weapons—Minors.* To sell, loan or give any pistol or revolver to any person under the age of 21 years.

14. *Sale of arms—license.* To sell or keep for sale or exchange or to give away to any person, any revolver, pistol, pocket billy, or other weapon of a like character, which can be concealed on the person, without first securing a permit from the proper officer, having authority to issue such permit.

Sac City

(e) *Sales to intoxicated persons and minors.* Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.*

KANSAS

State Law

KAN. STAT. ANN. TITLE 21

21–4201. *Unlawful use of weapons.* (1) Unlawful use of weapons is knowingly: (*a*) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen (18) inches in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; or

(*g*) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(2) *Exemptions.* (*a*) Subsections (1) (*a*), (*b*), (*c*), (*d*) and (*g*) of this section shall not apply to or affect any of the following: (*i*) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (*ii*) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (*iii*) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (*iv*) Manufacture of, transportation to, or sale of weapons to person authorized under (*i*) through (*iii*) of this subsection to possess such weapons.

(*b*) Subsection (1) (*d*) of this section shall not apply to or affect the following: (*i*) Watchmen while actually engaged in the performance of the duties of their employment; or (*ii*) Licensed hunters or fishermen while engaged in hunting or fishing; or (*iii*) Persons licensed as private detectives by the state of Kansas, detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service.

21–4203. *Unlawful disposal of firearms.* (1) Unlawful disposal of firearms is knowingly:

(*a*) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or*

(*b*) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(*c*) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

(2) Unlawful disposal of firearms is a class A misdemeanor.

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

21–4204. *Unlawful possession of a firearm.* (1) Unlawful possession of a firearm is:

(*a*) Possession of any firearm by an habitual drunkard or narcotics addict; or

(*b*) Possession of a firearm with a barrel less than twelve (12) inches long by a person who, within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

(2) Violation of subsection (1) (*a*) of this section is a class B misdemeanor; violation of subsection (1) (*b*) is a class D felony.

21–4205. *Defacing identification marks of a firearm.* (1) Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

(2) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

(3) Defacing identification marks of a firearm is a class B misdemeanor.

21–4206. *Confiscation and disposition of weapons.* (1) Upon conviction of a violation of sections 21–4201, 21–4202 or 21–4204 of this article, any weapon seized in connection therewith shall remain in the custody of the trial court.

(2) Any stolen weapon so seized and detained, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. All other confiscated weapons when no longer needed for evidentiary purposes, shall in the discretion of the trial court, be destroyed, preserved as county property, or sold and the proceeds of such sale shall be paid to the county general fund.

KANS. STAT. ANN. TITLE 48

48–1801. *Public crisis or emergency; proclamation by governor, when; contents and scope of proclamation; powers and duties of governor; orders, rules and regulations.* During times of public crisis resulting from disaster, rioting, catastrophe or other public emergency within this state, or reasonable apprehension of immediate danger thereof, the governor may, upon his own volition or upon application of the mayor of any city or the person legally acting for the mayor in his absence or the county attorney of any county or the attorney general of the state proclaim a state of emergency. Prior to the issuance of such proclamation, the governor shall find by investigation or otherwise that because of disaster, rioting, catastrophe or other emergency condition, the public peace and safety is imperiled, that human life and property is endangered by such emergency conditions and that the normal and ordinary processes of state and local government are inadequate to safeguard the public peace and safety and the lives and property of citizens.

The proclamation of the governor shall recite his findings, shall declare that a state of public emergency exists, and shall designate the boundaries of the affected area. Following such proclamation or declaration, the governor may promulgate such reasonable orders, rules and regulations as he deems necessary to protect life and property, or to bring the emergency situation within the affected area under control. Without limiting the scope of the same, said orders, rules and regulations may provide for the control of traffic, including public and private transportation, within the area or any section thereof; designation of specific zones within the area in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated; control of places of amusement and assem-

bly, and of persons on public streets and thoroughfares; establishment of a curfew; control of the sale, transportation and use of alcoholic beverages and liquors and cereal malt beverages; control of the possession, sale, carrying and use of firearms, other dangerous weapons, and ammunition; and control of the storage, use, and transportation of explosives, or inflammable materials or liquids deemed to be dangerous to public safety. Such orders, rules and regulations shall be effective from the time and in the manner prescribed in such orders, rules and regulations and shall be made public as provided therein. Such orders, rules and regulations may be amended, modified, or rescinded from time to time by the governor during the pendancy of the emergency, but shall cease to be in effect upon declaration by the governor that the emergency no longer exists.

48–1903. *Purchase or receipt of rifle or shotgun in contiguous state by resident of Kansas; restrictions.* It is hereby declared to be lawful for a resident of this state to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(*a*) The sale must fully comply with the legal conditions of sale in both such states; and

(*b*) Prior to the sale or delivery for sale of the rifle or shotgun, the purchaser and the licensee must have complied with all of the requirements of section 922(*c*) of the federal gun control act of 1968, applicable to interstate transactions other than at the licensee's business premises.

Atchison

21–124. *Unlawful use of weapons.* (1) Prohibited uses. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sand-club, shotgun with a barrel less than eighteen (18) inches in length, metal knuckles or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; or * * *.

21–129. *Unlawful disposal of firearms.* (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or*

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

21–130. *Defacing identification marks of a firearm.* (1) Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

(2) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

Bonner Springs

17–113. *Unlawful disposal of firearms.* (1) Unlawful disposal of firearms is knowingly: (a) Selling, giving or otherwise transferring any firearm with a barrel of less than twelve (12) inches long to any person under eighteen (18) years of age; or*

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Cherryvale

12–310. *Firearms in possession of minors.* Every minor who shall have in his possession any pistol, revolver, or toy pistol by which cartridges may be exploded or any dirk, bowie knife, brass knucks, slung shot, or other dangerous weapons, shall be guilty of a misdemeanor.

12–311. *Firearms, furnishing to minors.* Every person who shall trade, give, loan, or otherwise furnish any pistol, revolver, toy pistol, or any dirk, bowie knife, brass knucks, slung shot or other dangerous weapons to any minor, or any person of unsound mind, shall be guilty of a misdemeanor.

Concordia

15–37. *Unlawful use of weapons generally.* 15–37(a). The following acts shall constitute unlawful use of weapons and a misdemeanor: (1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sand-club, shotgun with a barrel less than eighteen (18) inches in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; * * *.

(6) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

15–40. *Unlawful disposal of firearms.* Unlawful disposal of firearms is knowingly: (1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or*

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to a person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Dodge City

20–118. *Unlawful use of weapons.* (1) *Prohibited uses. Unlawful use of weapons is knowingly:* (a) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sand-club, shotgun with a barrel less than eighteen (18) inches in length,

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

20–121. *Unlawful disposal of firearms.* (1) Unlawful disposal of firearms is knowingly: (a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or (b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or (c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.*

Hutchison

24–1001. *Unlawful use of weapons.* (a) Unlawful use of weapons is knowingly: * * *.

(6) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(7) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

24–1003. *Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:* (1) Selling, giving or other wise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or*

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Independence

17–212. *Furnishing weapons to minors.* Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, or any dirks, Bowie knife, brass knuckles, slung shots or other dangerous weapons to any minor, or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars ($100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.*

17–213. *Possession of weapons.* Any person who shall have in his possession any pistol, revolver, or toy pistol by which cartridge may be exploded or any dirk, Bowie knife, brass knuckles, slung shots or other dangerous weapons shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars ($100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

Junction City

18-3a101. *Registration.* 1. From and after the effective date of this ordinance, no pistol, revolver or other firearm with a barrel less than 10 inches in length shall be sold in the City of Junction City, Kansas, unless the purchaser thereof shall have first obtained a registration certificate to be issued by the Chief of Police of the City.

18-3a103. *Persons not eligible for certificate of registration.* 3. No certificate of registration shall be issued to any of the following classes of persons:

a. Any person under the age of 21 years.

b. Any person convicted of a felony as defined in K.S.A. 21-2611.

c. Any person who is addicted to the use of narcotics or is mentally retarded or is an habitual drunkard.

18-3a104. *Waiting period.* 4. No firearms as herein described shall be delivered into the possession of the purchaser thereof until a period of 48 hours shall have transpired from the time of issuance of such certificate of registration and said certificate shall have been presented to the seller.

18-3a105. *Exclusions.* 5. The provisions of this Ordinance shall not apply to any duly authorized police officer, marshal, sheriff, constable, or other law enforcement officer designated by the federal, state, county or municipal governments, who purchase weapons to be used in the performance of their duties.

Kansas City

39-4. *Permit to purchase or receive pistol or revolver—Required; exceptions.* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions.

39-6. *Same*—issuance. After fifteen (15) days, the Chief of Police may, in his discretion, issue such permit required by Section 39-4 to any person filing the proper application, except dope addicts, alcoholics, or persons having been convicted of a crime involving violence or the use of firearms, and upon obtaining a clearance from the F.B.I. Identification Division for the applicant.

39-7. *Small firearms to be stamped with trade mark, name of maker, model and serial number.* No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Leavenworth

14-1001. *Unlawful use of weapons.* Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows: a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen inches (18") in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; * * *.

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

14-1003. *Unlawful disposal of firearms.* Unlawful disposal of firearms is knowingly: a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age; b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

14-1016. *Molotov cocktails.* Unlawful possession, use and transportation of "Molotov Cocktail" is the transporting, use or possession or control of a container of incendiary or explosive material, liquid, solvent or mixture, equipped with a fuse, wick or other detonating device of a kind commonly known as "Molotov Cocktail."

Manhattan

2609-1. From and after the effective date of this ordinance, no person, partnership or corporation, regularly engaged in the sale of pistols, revolvers or other firearms with a barrel less than 10 inches, may deliver possession of such firearms, until the expiration of forty-eight (48) hours from the date the sale of said firearm is consummated. For the purpose of this ordinance, a sale of firearms shall be deemed consummated when the dealer shall have received a written commitment from the buyer legally binding the latter to purchase said firearm.

2609-2. Any dealer subject to the provisions of Section 1 hereof shall forthwith upon the consummation of the sale of such firearms as defined herein, report such sale to the Chief of Police of Manhattan, Kansas, within twenty-four (24) hours after the consummation of the sale of said firearm, describing therein the firearms sold. The description shall contain the serial number, caliber and make or manufacturer of the firearm if such information is available. Further, the Chief of Police shall be notified of the purchaser's name and address and the date and time when the possession of said firearm will occur.

2609-3. Any dealer who shall violate or fail to comply with the provisions of this ordinance, or any person who as a buyer of such firearms shall give false information to said dealer or otherwise visible any of the provisions of this ordinance, shall upon conviction be fined One Hundred Dollars ($100.00) or imprisoned in the City Jail for not more than thirty (30) days, or both such fine and imprisonment.

Merriam

3—*Permit to purchase or receive pistol or revolver—Required: Exceptions* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration, or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than 9 inches long, unless the purchaser, borrower, or person accepting the same has then and there a permit, dated less than 10 days prior to such sale, loan, or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the Chief of Police with a complete description of the gun sold within five days of the sale. This Section shall not apply to sales of collectors' items made and consummated at hobbists' conventions, nor to firearms that do not use a fixed, metallic cartridge.

5. *Issuance.* The Chief of Police shall issue a permit required by Section 4 to any person filing proper application, except drug addicts, alcoholics, or person having been convicted of a crime involving violence or the use of firearms, or those persons who have been legally adjudicated incompetent.

6: *Small firearms* To be stamped with trademark, name of maker, model and serial number.

No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver, or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy, or in anywise procure the possession of any pistol, revolver, or the firearm, of the size which can be concealed upon the person, unless such firearm is stamped as required by this Section. Nothing in this Section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers, or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this Section or not.

Mission

283-3. *Permit to purchase or receive pistol or revolver—Required. Exceptions:* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the Chief of Police,

authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the Chief of Police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

283-5. *Permit to purchase or receive pistol of revolver—Issuance.* After investigation and approval by the Chief of Police, he shall issue a permit as required by section four (4) to any responsible person 21 years of age or older filing the proper application, except dope addicts, felons, alcoholics, emotionally disturbed persons, or persons having been convicted of a crime involving violence or the use of firearms.

283-6. *Small firearms to be stamped with trademark, name of maker, model and serial number.* No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped upon the metallic portion thereof the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in anywise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Newton

17-1001. *Unlawful use of weapons.* (a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possession or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen (18) inches in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; * * *.

(6) Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(7) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

17-1003. *Unlawful disposal of firearms.* Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or*

(b) Selling, giving or otherwise transferring any firearm to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Olathe

9.16.050.1 *Minors or incompetents, furnishing weapons to.* It shall be unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, or any dirk, Bowie knife, knucks, slung shot, or other dangerous weapon to any minor person or person of unsound mind.*

Pittsburg

15-605. *Furnishing weapons to minors or persons of unsound mind.* Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, or any dirks, Bowie knife, brass knuckles, sling shots or other dangerous weapons to any minor or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not less than $5.00 nor more than $100.00.*

15-606. *Possession of weapons by minors.* Any minor who shall have in his possession any pistol, revolver or toy pistol by which cartridges may be exploded or any dirk, Bowie knife, brass knuckles, sling shot or other dangerous weapon shall, upon conviction thereof, be fined in any sum not less than $1.00 nor more than $10.00.

Prairie Village

10.04.620 *Unlawful use of weapons.* A. Unlawful use of weapons is: 1. Selling, manufacturing, purchasing, possessing, or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen inches in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; * * *

6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shotgun.

Roeland Park

279-3. *Permit to purchase or receive pistol or revolver—Required: Exceptions.* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

279-6. *Small firearms to be stamped with trade mark, name of maker, model and serial number.* No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Topeka

12-240. *Furnishing weapons to minors or persons of unsound mind.* It shall be unlawful for any person to sell, give, loan or otherwise furnish any pistol or revolver by which cartridge may be exploded, or any dirk, Bowie knife, knucks, sling shot, or other dangerous weapons to any minor, or to any person of notorious unsound mind.*

Valley Center

9.78.010 *Unlawful use defined.* Unlawful use of weapons is knowingly: A. Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen inches in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; or * * *

F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or * * *.

Wichita

5.88.040. *Machine guns, sawed off rifles and shotguns.* It shall be unlawful for any person, other than a sheriff or other peace officer or any military unit of the state or of the United States, or any common carrier for hire, to transport or have in his possession or under his control, any firearm known as a machine rifle, machine gun, submachine gun or any shotgun or rifle with a barrel less than eighteen inches in length, or any silencer; provided, that banks, trust companies or other institutions or corporations subject to unusual hazard from robbery or holdup who have secured permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms, may possess such firearms; provided, further, that museums, American Legion posts and other similar patriotic organizations may possess such firearms when not used as a weapon and when possessed as a curiosity, ornament or keepsake.

KENTUCKY

State Law

KEN. REV. STAT. (BALDWIN'S)

435.230. *Carrying concealed deadly weapon;*

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

selling deadly weapon to minor. (1) Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon, other than an ordinary pocket knife, to a minor, shall be confined in the penitentiary for not less than two nor more than five years.*

237.020 *Right of Kentucky residents to buy firearms in contiguous states; reciprocity as to residents of contiguous states.* (1) Residents of the Commonwealth of Kentucky shall have the right to purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in states contiguous to the Commonwealth of Kentucky.

(2) Residents of states contiguous to the Commonwealth of Kentucky may purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in the Commonwealth of Kentucky.

(3) All such sales shall conform to the requirements of federal law, the Kentucky Revised Statutes, applicable local ordinances, and the law of the purchaser's state.

237.030 *Definitions for KRS 237.040 and 237.050.* (1) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device and includes the unassembled components from which such a device can be made.

(2) "Booby trap device" includes any device, or substance designed to surreptitiously or covertly take life, endanger life or destroy or damage property and shall not include firearms.

237.040 *Criminal possession of destructive device or booby trap device.* A person is guilty of criminal possession of a destructive device or a booby trap device when he possesses, manufactures, or transports such substance or device with:

(1) Intent to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States; or

(2) Knowledge that some other person intends to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States.

(3) Mere possession without substantial evidence of the requisite intent is insufficient to bring action under KRS 237.030 to 237.050.

237.050 *Exemptions.* KRS 237.030 to 237.050 shall not apply to:

(1) Destructive devices or booby trap devices which are possessed by the government of the United States, this state, or a political subdivision thereof;

(2) Any device which is lawfully possessed under the Gun Control Act of 1968, the Organized Crime Control Act of 1971, or any other law of the United States or this state, unless a crime is committed therewith;

(3) Non-lethal devices placed on the premises of the owner or the lawful occupant thereof for his own self-protection or the protection of the said property;

(4) The setting of traps suitable and legal for the taking of game by persons licensed or permitted to do so by the game laws of the Commonwealth;

(5) Inert devices which cannot readily be restored to operating condition; or

(6) The acquisition, possession, use, or control of firearms.

237.990 *Penalties.* Any person who violates any of the provisions of KRS 237.030 to 237.050 shall be imprisoned in the penitentiary for not less than one nor more than five years, or punished by a fine of not more than $1,000, or both.

Danville

1. No person, firm or corporation whether a licensed or unlicensed dealer or one who sells in a casual sale, shall sell any pistol, revolver, Derringer, Bowie knife, dirk or other weapon of like character which can be concealed on or about the person except to one to whom a permit for the purchase of a weapon has been issued as is provided in No. 2 of this Ordinance. Only one such weapon shall be sold for each permit so issued.

Erlanger

130.01 *Sale of pistol or like weapon; permit required.* (A) No person shall sell, give away or otherwise supply to any person, any pistol, revolver, derringer or other weapon of like character, which is capable of being concealed on or about the person, without first requiring such person as a condition to receiving said weapon, to produce to such supplier a written permit to purchase or otherwise receive such weapon issued by the City of Erlanger and signed by the chief of police * * *.

(B) No person shall purchase or otherwise receive any pistol, revolver, derringer or other weapon of like character, which can be concealed on the person, without first securing from the City of Erlanger, a weapon permit signed by its chief of police * * *.

It shall be the duty of the chief of police to refuse such weapon permit to (1) any person who has been convicted of any crime; (2) any vagabond, vagrant, inebriate or mental incompetent; (3) any minor.

The sale, donation, supplying or transfer of any pistol, revolver, derringer, or other weapon of like character, pursuant to the authority of a weapon permit issued by the City of Erlanger, as hereinbefore set forth, shall be accomplished within 10 days from the date of the issuance of such weapon permit and such weapon permit shall be void after the expiration of 10 days from the date of its issuance.

Fort Thomas

IV. *During the existence of a civil* emergency as proclaimed under Section II hereof, no person shall make, carry, possess or use any type of gasoline or petroleum base fire bomb, "Molotov Cocktail", or other incendiary missile.

Lexington Fayette Urban County Government

13–57. *Weapons—License and permits for concealed deadly weapons—Required.* It shall be unlawful for any person to engage in the business of selling, or to sell, give away or otherwise dispose of to any person within the city any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on or about the person, without securing a license so to do, * * *, and no person having secured such license shall sell, give away or otherwise dispose of any such weapon to any person within the city who has not secured a permit from the chief of police to purchase a weapon * * *.

13–59. *Same—Permit for purchase, refusal of permit when.* (a) It shall be unlawful for any person in the city to purchase any pistol, revolver, derringer, bowie knife or dirk, or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do.

14–40. *Supplying small arms ammunition.* No person shall sell, give, or otherwise supply to any child under the age of eighteen years in the city any small arms ammunition, and no person shall purchase for the use of or place such small arms ammunition in the possession of any such child in the city.

Louisville

I. *Definitions.* When used in this Ordinance, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine.

Antique firearm. (a) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (b) Any replica of any firearm described in paragraph (a) of this definition if such replica (1) is not designed or redesigned for using rim fire or conventional center fire fixed ammunition, or (2) uses rim fire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Collector. Any person who acquires, holds, or disposes of firearms as curios or relics.

Concealable firearm. Any pistol, or revolver, or other weapon by whatsoever name known, other than an antique firearm as herein defined, designed to be fired by the use of a single hand, and which is designed to fire or is capable of firing a fixed metallic cartridge, or the frame or receiver of such a weapon; the term "concealable firearm" shall include any other such weapons irrespective of their original design which have received such extensive modification to stock, barrel or otherwise as to make them sufficiently small to be readily concealable on the person: in addition, the term "concealable firearm" shall include tear gas guns, tear pens, tear gas pencils, pen guns, mace cans, or other similar devices capable of firing, projecting, expelling or spraying tear gas, mace, or any similar gas, chemical or substance which may be dangerous or injurious to human health or safety.

Curios or relics. Firearms which are of special interest to collectors by reason of some quality other than is ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

(a) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof;

(b) Firearms which are certified by the curator of a municipal, state or federal museum which exhibits firearms to be curios or relics of museum interest; and

(c) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period or event.

Dealer. Any person engaged in the business of selling concealable firearms at wholesale or retail; any person engaged in the business of repairing concealable firearms or of making or fitting special barrels, stocks or trigger mechanisms to concealable firearms; or any person who is a pawnbroker.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and hundgun ammunition to persons under twenty-one (21) years of age.

Felony. Any offense punishable by imprisonment for a term exceeding one (1) year. The term shall not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two (2) years or less.

Frame or receiver. That part of a concealable firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Fugitive from justice. Any person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

Indictment. Includes an indictment or information in any Court under which a crime punishable by imprisonment for a term exceeding one (1) year may be prosecuted.

Pawnbroker. Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, or any concealable firearm as security for the payment or repayment of money.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

II. *Sale or transfer of concealable firearms.* No sale, transfer or delivery of a concealable firearm shall be made within the City of Louisville to any of the following:

(a) A person under twenty-one (21) years of age;

(b) A person under indictment for, or who has been convicted in any Court of a felony;

(c) A person who has been convicted of a misdemeanor involving the handling, carrying, furnishing or misuse of a firearm within five (5) years;

(d) A person who is a fugitive from justice;

(e) A person who has been adjudicated as a mental defective or incompetent, or any person who is a known drug addict;

(f) A person who is not a resident of the Commonwealth of Kentucky;

(g) A person who has been convicted of public drunkenness three (3) or more times within the year last past before the proposed sale, transfer or delivery;

(h) A person who has a conviction record of three or more misdemeanors involving the employment of physical violence against another person within three (3) years last past before the proposed sale, transfer or delivery.

III. *Ownership or possession of concealable firearms.* It shall be unlawful for anyone within the following categories to own, possess or exercise any degree of control over a concealable weapon:

(a) A person under twenty-one (21) years of age;

(b) A person under indictment for, or who has been convicted in any court of a felony,

(c) A person who has been convicted of a misdemeanor involving the handling, carrying, furnishing, or misuse of a firearm within five (5) years;

(d) A person who is a fugitive from justice;

(e) A person who has been adjudicated as a mental defective or incompetent or who has been committed to any mental institution.

(f) A person who has a conviction record of three or more misdemeanors involving the employment of physical violence against another person within three (3) years last past before the proposal sale, transfer or delivery.

IV. *Licensing of dealer.* Any person who engages in the business of a dealer as defined in this Ordinance in the City of Louisville shall secure a license from the City to conduct such business and shall pay an annual license fee of Twenty-five dollars ($25.00). No person shall be so licensed unless he is the holder of a current Federal license issued by the Internal Revenue Service under the provisions of Title 18, U.S.C., Chapter 44. Any such license issued to a dealer hereunder shall authorize him to do business only at the premises stated on such license and any change of address or location of a dealer's business shall be reported to the office of the Chief of Police and to the office of the Commissioners of the Sinking Fund within twenty-four (24) hours of such change.

IX. *Collectors license.* Any person qualifying as a collector as defined in this Ordinance may make application to the Louisville Division of Police for issuance of a "Collectors License" and shall pay for said license the sum of Ten dollars ($10.00); said license shall be renewable annually for an additional fee of Five dollars ($5.00) for each subsequent renewal thereof; said license shall permit the licensee to buy firearms qualifying as curios and relics under the provisions of this Ordinance from any person and to buy from, sell to, trade with or otherwise dispose of or acquire such items from others similarly licensed who are residents of the City of Louisville or the Commonwealth of Kentucky and shall further authorize said licensee to transport any such firearms into or through the City of Louisville for display at a gun show or similar gathering or function.

XIII. *Exclusions.* 1. Despite any language to the contrary contained herein, it shall be lawful for the following persons to acquire, transfer, or purchase concealable firearms from a dealer or pawnbroker without the necessity of the affidavit and waiting period required by this Ordinance:

(a) Any governmental agency which is authorized to own or acquire firearms;

(b) Licensed dealers, manufacturers, wholesalers in all transactions between similiarly licensed persons, in their usual course of business;

(c) Licensed pawnbrokers accepting a firearm as security or pledge for loan, unless or until the pawnbroker makes a sale or transfer or the firearm pledged to a person other than the owner, at which time the affidavit required by this Ordinance and the waiting period shall be complied with, and the report of such sale or transfer shall be made as provided herein.

2. Despite any language to the contrary contained herein, it shall be lawful for the following persons to transport, possess and lawfully use concealable firearms for lawful purposes:

(a) Non residents of Louisville who are regularly enrolled members of any state or federal organization, service or agency whose members are legally authorized to purchase, or receive and transport concealable firearms;

(b) Non residents of Louisville regularly enrolled as members of clubs organized for firearms collecting or organized target shooting while such members are going to or from collectors gun shows, competitions and other organized convocations of such clubs;

(c) Non residents while lawfully engaged in hunting, fishing, or camping or going to or returning from hunting, fishing or camping;

(d) Non residents engaged in the business of manufacturing, repairing or dealing in firearms, or the agent or representative of such person while engaged in the lawful course of such business.

Newport

117.01. *Licensing of dealer.* Every person, firm or corporation, hereinafter called "Dealer", engaged in the business of buying or selling pistols, revolvers and like or similar instruments, whether such business is carried on as the only business or in conjunction with other lines of business, shall secure a license from the City of Newport, and shall pay an annual license fee of $25.00 to conduct the business of buying or selling pistols, revolvers and like or similar instruments, and said $25.00 license fee shall be in addition to any other business license held by said dealer.

117.04. *Purchaser's qualifications.* No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The Purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the prospective purchaser is an alien or if his record indicates he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver, or like or similar instrument to such person. The "Dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property or that such pistol, revolver or like or similar instrument is to be used for a lawful purpose.

117.07. *Sale to unlicensed "dealers."* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any unlicensed "Dealer" at any time.

117.08. *Sale to minors.* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any minor at any time.

117.09. *Wholesalers excepted.* Nothing contained in this Ordinance shall apply to sales at wholesale to a licensed "Dealer".

131.03 *Purchase of weapons regulated.* (A) No person shall sell, give away or otherwise supply to any person, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on or about the person, without first requiring such person to produce to them a permit to carry such weapon, signed by the chief of police, as hereinafter provided.

(B) No person in the city shall purchase any pistol, revolver, derringer, bowie knife or dirk, or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor setting forth in such application the name, sex, address, age, height, weight, complexion and nationality of the person desiring such permit. Such application shall also contain a recommendation that the permit issued from 2 persons who shall be known to the chief of police as persons of good reputation and residents of the city for at least 1 year, or who shall appear to be taxpayers residing within the city.

It shall be the duty of the chief of police to refuse such permit to (1) all persons who have been convicted of any crime; (2) all vagabonds, vagrants or inebriates, or who are for any reason known to be irresponsible; (c) all minors. Otherwise, it shall be the duty of the chief of police to grant such a permit.

Park Hills

I. *Licensing of dealer:* Every person, firm or corporation hereinafter called "Dealer", engaged in the business of buying or selling pistols, revolvers and like or similar instruments, whether such business is carried on as the only business or in conjunction with other lines of business, shall secure a license from the City of Park Hills, and shall pay an annual license fee of $25.00 to conduct the business of buying or selling pistols, revolvers and alike or similar instruments, and said $25.00 license fee shall be in addition to any other business license held by said dealer.

IV. *Purchaser's qualifications.* No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The Purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the prospective purchaser is an alien or if his record indicates he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver or like or similar instrument to such person. The "Dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property or that such pistol, revolver, or like or similar instrument is to be used for a lawful purpose.

VII. *Sale to unlicensed "dealers."* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any unlicensed "Dealer," at any time.

VIII. *Sale to minors.* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any minor at any time.*

LOUISIANA

State Law

LA. STATS. ANN. R.S., TITLE 14

91. *Unlawful sales to minors.* Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any intoxicating or spirituous liquors, or any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of knowledge of the minor's age shall not be a defense.

95. *Illegal carrying of weapons.* A. Illegal carrying of weapons is: (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

LA. STATS. ANN. R.S., TITLE 29

30. *Closing certain business places when military forces on active duty.* Whenever any of the military forces of this state are on active duty pursuant to the order of the governor, the commanding officer may order the closing of any place where arms, ammunition, dynamite, or other explosives or intoxicating liquors are sold, and he may forbid the sale, barter, loan, or giving away of any of these articles as long as any of the troops remain on duty in the vicinity.

LA. STATS. ANN. R.S., TITLE 40

1751. *Definitions.* For purposes of this Part, "machine gun" includes all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device. "Manufacturer" includes all persons manufacturing machine guns; "Merchant" includes all persons dealing with machine guns as merchandise.

1752. *Handling of machine guns unlawful; exceptions.* No person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machine gun within this state, except that:

(1) All duly appointed peace officers may purchase, possess, carry, and transport machine guns.

(2) This Part does not apply to the Army, Navy, or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States or from this state. The members of such Corps, National Guard and organizations may possess, carry, and transport machine guns while on duty.

(3) Persons possessing war relics may purchase and possess machine guns which are relics of any war in which the United States was involved, may exhibit and carry the machine guns in the parades of any military organization, and may sell, offer to sell, loan, or give the machine guns to other persons possessing war relics.

(4) Guards or messengers employed by common carriers, banks, and trust companies, and pay-roll guards or messengers may possess and carry machine guns while actually employed in and about the shipment, transportation, or delivery, or in the guarding of any money, treasure, bullion, bonds, or other thing of value. Their employers may purchase or receive machine guns and keep them in their possession when the guns are not being used by their guards or messengers.

(5) Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess, and transport machine guns in the same manner as other merchandise except as otherwise provided in this Part. Common carriers may possess and transport unloaded machine guns as other merchandise.

1753. *Transfers of possessions permitted in certain cases; method.* No manufacturer or merchant shall permit any machine gun to pass from his possession to the possession of any person other than:

(1) A manufacturer or a merchant.

(2) A common carrier for shipment to a manufacturer or merchant.

(3) A duly authorized agent of the Government of the United States or of this state, acting in his official capacity.

(4) A person authorized to purchase a machine gun under the provisions of paragraphs (1) and (4) of R.S. 40:1752.

Manufacturers or merchants shall not deliver a machine gun to any of the persons authorized to purchase it under the provisions of paragraphs (1) and (4) of R.S. 40:1752 unless the person presents a written permit to purchase and possess a machine gun, signed by the sheriff of the parish in which the manufacturer or merchant has his place of business or delivers the machine gun. The manufacturer or merchant shall retain the written permit and keep it on file in his place of business. Each sheriff shall keep a record of all permits issued by him.

1755. *Penalty.* A. Any manufacturer who:

(1) Passes possession of or delivers a machine gun to any person in violation of R.S. 40: 1753; or

(2) Fails to keep an accurate register, as required in R.S. 40: 1754; or

(3) Fails to produce or account for a sheriff's permit for each machine gun sold by him for which a permit is necessary under the provisions of R.S. 40: 1753, shall be imprisoned at hard labor for not less than one year nor more than five years.

1781. *Definitions.* For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

(1) "Dealer" means any person not a manufacturer or importer engaged in this state in the business of selling any firearm. The term includes wholesalers, pawnbrokers, and other persons dealing in used firearms.

(2) "Department" means the Department of Public Safety.

(3) "Firearm" means a shotgun having a barrel of less than twenty inches in length, or a rifle having a barrel of less than sixteen inches in length; or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive, if that weapon is capable of being concealed on the person; or a machine gun or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition.

(4) "Importer" means any person who imports or brings into the state any firearm.

(5) "Machine gun" means any weapon, including a submachine gun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger.

(6) "Manufacturer" means any person who is engaged in this state in the manufacture, assembling, alteration, or repair of any firearm.

(7) "Muffler" or "silencer" includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined in this Section.

(8) "Transfer" includes the sale, assignment, pledge, lease, loan, gift, or other disposition of any firearm.

1782. *Exemptions from part.* This Part does not apply to the following persons and things:

(1) Sheriffs or equivalent municipal officers in municipalities of over ten thousand, when they are acting in their official capacity.

(2) The arms, accoutrements, and equipment of the military and naval forces of the United States or of other officers of the United States authorized by law to possess weapons of any kind.

(3) The arms, accoutrements, and equipment of the militia.

(4) Any firearm which is unserviceable and which is transferred as a curiosity or ornament.

1783. *Registration with department of public safety.* Every person possessing any firearm shall register with the department the number or other mark identifying the firearm, together with his name, address, and place

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns, and handgun ammunition to persons under twenty-one (21) years of age.

of business or employment, the place where the firearm is usually kept, and, if the person is other than a natural person, the name and home address of the executive officer thereof having control of the firearm and the name and home address of the person having actual possession thereof.

1784. *Application to possess or transfer.* No person shall continue to possess or shall transfer any firearm without the prior approval of the department. Interested persons shall file written applications in duplicate on application forms issued in blank for those purposes by the department. In the case of transfers of any firearm, applications shall be filed by both the proposed vendor and the proposed vendee.

The applications shall set forth, in the original and duplicate, the manufacturer's number or other mark identifying the firearm. Both the original and duplicate shall be forwarded to the department. If approved, the original shall be returned to the applicant.

1785. *Possession or dealing in unregistered or illegally transferred weapons.* No person shall receive, possess, carry, conceal, buy, sell, or transport any firearm which has not been registered or transferred in accordance with this Part.

1803. *Purchase of rifle or shotgun or ammunition.* It shall be lawful for any person residing in this state, including any corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun or ammunition in any state which is contiguous to this state and to receive or transport such rifle or shotgun or ammunition into this state and to permit any person residing in a contiguous state to purchase shotguns, rifles or ammunition in this state and to receive or transport such rifles, shotguns or ammunition in this state.

Baton Rouge

5. *Orders mayor-president authorized to issue.* After the proclamation of any civil emergency, the mayor-president, or in the event of his absence or inability to act, the president pro tempore of the parish council, may also in the interest of the public safety and welfare make any or all of the following orders:

(g) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms, or ammunition of any character whatsoever.

(h) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition.

Bogalusa

59. *Unlawful sales to minors and purchases by minors.* Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any intoxicating or spirituous liquors or any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

Crowley

8-44. *Weapons—Illegal carrying.* (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

(b) Whoever commits illegal carrying of weapons shall be guilty of a misdemeanor.

DeRidder

7-68. *Unlawful sales to minors and purchases by minors.* Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

East Baton Rouge Parish

94. *Illegal use of weapons or dangerous instrumentalities.* (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Houma

9-31. *Illegal carrying.*

(a) *Defined.* Illegal carrying of weapons is: (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon at anytime by an enemy alien.

Jefferson Parish

12-17. *Firearms—Definitions.* (a) Dealer means any person, not a manufacturer or importer, engaged in this parish in the business of selling any firearm. The term includes wholesalers, pawnbrokers and other persons dealing in new and/or used firearms.

(b) Firearm means a shotgun having a barrel of less than twenty inches in length, or a rifle having a barrel of less than sixteen inches in length, or any other weapon, including a pistol or revolver, from which a shot, discharged by an explosive, if that weapon is capable of being concealed on the person; and includes a muffler or silencer from any firearm whether or not the firearm is included in this definition.

(c) Muffler or silencer includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, shotgun, fowling piece or other device from which a shot, bullet or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined herein.

(d) Crime of violence means murder, manslaughter, except negligent homicide arising out of a traffic accident, rape, mayhem, kidnapping, burglary, robbery, assault with a dangerous weapon or assault with intent to commit any offense punishable by imprisonment for more than one (1) year, and includes any crime defined as a felony under the laws of the State of Louisiana.

(e) Weapon means any instrument, by whatever name known, which is designed to expel a projectile or projectiles by the action of any explosive.

(f) Fugitive from justice means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

12-17.1 *Permit required to purchase.* (a) Any person purchasing or acquiring ownership of any firearm shall immediately thereafter, within a period of 48 hours, excluding legal holidays, make application for a permit as hereinafter provided.

12-17.2. *Same—Unlawful to sell to minor without consent of parents.* It shall be unlawful for any person to sell any weapon to any person under eighteen (18) years of age without first having received the written consent of said person's parents.*

12-18. *Same—Application for permit to purchase.* Any person purchasing or acquiring ownership of any firearm shall file a written application, in triplicate form, issued in blank for that purpose, with the permit department of the sheriff's office for this parish.

12-18.2. *Same—Who is entitled to permit.* Any person over eighteen (18) years of age making an application shall be entitled to be issued a permit for a firearm unless he shall have been convicted of a crime of violence in a court of this State or any other state, territory, or District of Columbia and who has not had his civil rights restored (whether by official act or termination of time) or he is under arrest (whether released on bond or not) or under indictment for a crime of violence or who is a fugitive from justice or convicted of drug addiction or habitual drunkenness or who has been confined to a mental institution, or belongs to any group or organization which is regarded as subversive under the laws of this state or United States or is now or has been engaged in any subversive activity.*

12-18.3. *Same—Investigation of applicant for permit.* The hour and date shall be written on the application and a reasonable length of time shall be allowed, not to exceed seventy-two (72) hours from the time of application, excluding legal holidays, within which to investigate and verify statements contained in the application and the identity of the person making it before the application is approved as of right.

12-18.4. *Same—Exceptions.* The provisions of sections 12-17—12-18.3 shall not apply to the sheriff, his deputies, or any duly, legally, constituted officer of the law or law enforcement officer while acting in their official capacity, nor shall same apply to the arms, accoutrements and equipment of the military and naval forces of the United States, or of any other officers of the United States authorized by law to possess firearms of any kind; nor shall same apply to the arms, accoutrements and equipment of the militia, any firearm which is unserviceable and which is transferred as a curiosity or ornament, nor shall same apply to a licensed authorized dealer in firearms.

Jennings

60. *Illegal carrying of weapons* is, * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Kenner

10-93. *Wholesale dealers in pistols, rifles or cartridges.* Every wholesale dealer in pistols, pistol cartridges, blank pistols, blank cartridges, and all rifles except .22 and .25 calibers, and rifle cartridges, except .22 and .25 calibers, shall pay an annual license on the said business. * * *

No dealer shall be deemed a wholesale dealer unless he sells to dealers for resale.

10-94. *Retail dealers in pistols, rifles or cartridges.* (b) No person shall sell, at wholesale or retail, pistols, or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in R.S. 47:382 and 47:383, and without first obtaining the license imposed by this article

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns, and handgun ammunition to persons under twenty-one (21) years of age.

authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lafayette City

B. *No person shall sell, at wholesale or retail,* pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in Title 47, Section 382 and Section 383, and without first obtaining the license imposed by this Ordinance authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lafayette Parish

B. *No person shall sell, at wholesale or retail,* pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required in this Section or in Section 32 of this Ordinance, or without first obtaining the license which may be imposed by any municipal or parochial authority for the sale of pistols or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Many

59. *Unlawful sales to minors and purchases by minors.* Unlawful sales to minors is the selling, or otherwise delivery for value by anyone over the age of seventeen of any intoxicating or spirituous liquors, or any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of Knowledge of the minors' age shall not be a defense.

Monroe

10-20. *Dangerous weapons—Illegally carrying.* It shall be unlawful for any person to commit the act of the illegal carrying of weapons. Illegal carrying of weapons is:

(2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Morgan City

10-11. *Knives, brass knuckles, etc.; sale of firearms to minors.* It shall be unlawful for any person to sell, offer or expose for sale within the corporate limits of the city, any gimlet knife, dirk knife, stiletto spring knife, brass knuckles, iron knuckles, or slingshots or to sell firearms to minors.

New Orleans

67-7. *Unlawful to sell, etc., certain weapons to persons under eighteen.* It shall be unlawful for any person to sell, lease or give through himself or any other person any pistol, dirk, Bowie knife, toy pistol for which cartridges are used or other dangerous weapon which may be carried concealed to any person under the age of eighteen years.*

67-10. *Sale of pistols, etc., forbidden except upon compliance with article.* It shall be unlawful for any person in the city to sell, give away, lend, exchange or otherwise dispose of or transfer in the city or for any person to purchase, borrow, accept as a gift, exchange or otherwise receive any pistol, revolver, automatic pistol or firearm whatsoever capable of being concealed on the person, except as authorized by this article.

67-11. *Application to purchase articles referred to in preceding section.* Prior to the actual delivery or transfer of any of the articles mentioned in the preceding section, the person desiring to obtain any such article shall file a written application, in duplicate, with the Superintendent of Police of the city. * * * The Superintendent of Police may also require the fingerprints of the applicant as part of such application.

67-12. *Oath that applicant has not been charged with felony.* Each applicant for a permit under the provisions of this article shall be required to swear under oath, before the Superintendent of Police or any other officer of the Department of Police, designated by the Superintendent, that he has not been previously charged with or convicted of any felony.

67-13. *Approval stamp on application; use of application.* The Superintendent of Police or other officer or agent designated by him shall write or stamp the hour and the date on which any application to purchase articles is filed and may require a reasonable time thereafter, not to exceed seventy-two hours, within which to investigate and verify the statements contained in the application and the identity of the person making it before the application is approved, as of right.

The date and hour of approval shall be written on the application, together with the name of the officer approving it. Such application shall not be used by any other person than the one signing it.

67-14. *How transfer made.* The transfer under applications to purchase articles under this article shall be made only between the hours of 9:00 A.M. and 5:00 P.M. on the following day stated therefor in the approved application and such transfer shall be openly and publicly made and only to the person signing the application.

67-17. *Unlawful to obtain for or transfer to another, etc.* It shall be unlawful for any person to obtain the transfer of any article for the account of, or to sell, give away, lend, exchange or otherwise dispose of any such article to another person and it shall be unlawful for any person to employ or procure anyone to apply for or obtain the transfer of any such article or to aid and abet in such violation of this article.

Welsh

59. *Unlawful sales to minors and purchases by minors.* Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any intoxicating or spirituous liquors, or any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

Westwego

457-I. Be it ordained by the Mayor and Board of Aldermen of the City of Westwego, that it shall be unlawful for any person, firm or corporation to sell, offer for sale, assign, pledge, lease, loan, give away, transfer or purchase any pistol revolver or rifle of whatever nature or kind, without first having obtained from the Sheriff of the Parish of Jefferson, Permit Department, a permit therefor.

Zachary

2-21. *Enumeration of powers after proclamation of civil emergency.* After the proclamation of any civil emergency, the mayor, or in the event of his absence or inability to act, the mayor pro tempore of the board of aldermen, may also in the interest of the public safety and welfare make any or all of the following orders:

(g) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms, or ammunition of any character whatsoever.

(h) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition.

11-41. (a) *Illegal carrying of weapons is* * * *. (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

MAINE

State Law

MAINE REV. STATS. ANN. TITLE 12

2458. *Silencers; automatics; capacity.* No person shall sell, offer for sale, use or have in his possession any gun, pistol or other firearms, fitted or contrived with any device for deadening the sound of explosion. Whoever violates any provision of this section shall forfeit such firearm or firearms and the device or silencer, and shall further be subject to the penalties of section 3060. Any

MAINE REV. STATS. ANN. TITLE 15

391. *Definitions.* The following words and phrases when used in this chapter are defined as follows:

"Pistol," "revolver" and "firearm" mean a weapon capable of being concealed upon the person and shall include all firearms having a barrel of less than 12 inches in length.

392. *Application.* The penal provisions of Section 393 shall not apply to any person commissioned as a law enforcement officer or employed as a guard or watchman.

393. *Possession forbidden.* It shall be unlawful for any person who has been convicted of a felony under the laws of the United States or of the State of Maine, or of any other state, to have in his possession any pistol, revolver or any other firearm capable of being concealed upon the person until the expiration of 5 years from the date of his discharge or release from prison or termination of probation. Such a person convicted of any offense, except misdemeanors, the maximum punishment for which is a fine of $100 or less, or imprisonment for 90 days or less, during the 5-year period, shall be forever barred from having in his actual or constructive possession any of the weapons described herein. Anyone violating any of the provisions of this chapter shall be guilty of a felony, and upon conviction thereof, shall be punished by by imprisonment for not less than one nor more than 5 years.

MAINE REV. STATS. ANN. TITLE 17

502. *Construction, assembling or possession.* Except for lawful purposes in any instance, whoever knowingly constructs, assembles, or knowingly has in his possession any device, bomb or infernal machine capable of being exploded, or knowingly possesses materials appropriate for the construction thereof, shall be punished by a fine of not more than $1,000 or by imprisonment of not more than 15 years, or by both.

853. *Selling firearms, dangerous weapons or ammunition to children.* Whoever gives, furnishes or sells to any child under the age of 16 years any dangerous weapon or firearm

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

or ammunition, except in cases where the parents, guardians, teachers or instructors of children may furnish them with such weapons for hunting or target shooting outside the thickly settled portions of any town or city, or where such weapons may be used in any licensed shooting gallery, shall be deemed guilty of encouraging, causing or contributing to the delinquency or distress of such child and, upon conviction, shall be punished by a fine of not more than $100 or by imprisonment for not more than 60 days.*

2321. *Crime.* It shall be unlawful for any person to possess a machine gun within the geographical boundaries of the State of Maine.

2322. *Definition.* Machine gun shall be a weapon of any description, by whatever name known, which is capable of discharging a number of projectiles in rapid succession by one manual or mechanical action on the trigger or firing mechanisms.

2323. *Right to possess, carry or transport.* Any law enforcement officer of the State of Maine, any law enforcement officer of another state or a territory of the United States, members of the Armed Forces, Maine National Guard and Maine State Guard may possess a machine gun if the possession or carrying of such weapon is in the discharge of his official duties and has been authorized by his appointing authority.

Machine guns manufactured, acquired, transferred or possessed in accordance with The National Firearms Act, as amended, shall be exempt from this chapter.

2324. *Confiscation and seizure.* Any machine gun as defined in section 2322, possessed in violation of this chapter, is declared to be contraband and is subject to forfeiture to the State. Any law enforcement officer shall have the power to seize the same with due process.

MAINE REV. STATS. ANN. TITLE 25

2041. *Purchase by Maine residents in another state.* Residents of the State may purchase rifles and shotguns in a state contiguous to the State of Maine, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the law applicable to such purchase in the state of Maine and in the contiguous state in which the purchase is made.

Biddeford

1. No person, firm, or corporation in the City of Biddeford shall sell, give, or deliver to any person any gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. Such person, firm or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate containing the following information: * * *

4. Such person, firm or corporation shall deliver such certificate to the Chief of Police of the City of Biddeford, or his duly authorized representative at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the City of Biddeford and in State Police Headquarters at Augusta, Maine to determine from such records whether the person signing such certificate has been convicted of, or is under complaint or indictment for, assault, assault and battery, or a felony; is a user of or addicted to marijuana or any other depressant, stimulant, or narcotic drug or has ever been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution and to report such findings to the person, firm or corporation filing such certificate.

5. Any person, firm, or corporation selling, giving or delivering a hand gun to any person before the expiration of said 72 hours or when notified within said period by the Chief of Police, or his authorized representative, that a person signing such certificate has been convicted of, or is under complaint or indictment for, assault, assault and battery, or a felony; is a user of or addicted to marijuana or any depressant, stimulant, or narcotic drug; or has been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00.

Cape Elizabeth

1. *No person, firm, or corporation in* the Town of Cape Elizabeth shall sell and deliver to any person, or shall give or lend to any person except members of the household or upon the grounds of and for use at an established target range, any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. *A hand gun shall mean* a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. *Such person, firm, or corporation* shall require the person seeking to purchase or obtain such hand gun to sign a certificate * * *.

4. *Such person, firm, or corporation* shall deliver such certificate to the Chief of Police of the Town of Cape Elizabeth, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have seven calendar days after delivery of said certificate to make an examination of the records contained in the police department of the Town of Cape Elizabeth, in the police department of any other municipality listed as an address on such certificate, and in State Police Headquarters at Augusta, Maine to determine whether the person signing such certificate has been convicted of, or is under complaint or indictment for assault, assault and battery, or a felony; or has ever been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution and to report such finding to the person, firm, or corporation filing such certificate.

5. *Any person, firm, or corporation* selling and delivering, giving or lending a hand gun to any person without complying with the provisions of this Ordnance, or before the expiration of said seven calendar days or when notified within said period by the Chief of Police, or his duly authorized representative, that a person signing such certificate has been convicted of, or is under complaint or indictment for, assault, assault and battery, or a felony; or has been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00 to be recovered for the use of the Town of Cape Elizabeth upon complaint to the District Court.

6. *Any person* who signs a certificate containing false information for the purpose of complying with the provisions of this Ordinance, or who accepts a hand gun without complying with the provisions of this Ordinance, shall be guilty of a violation of this Ordinance and subject to a fine of not more than $100.00 to be recovered for the use of the Town of Cape Elizabeth upon complaint to the District Court.

Falmouth

1. *Definition.* No person, firm, or corporation in the Town of Falmouth shall sell, give, or in any manner transfer title to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. *Hand Gun.* A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. *Certificate.* Such person, firm, or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate containing the following information: * * *.

4. *Waiting period.* Such person, firm, or corporation shall deliver such certificate to the Chief of Police of the Town of Falmouth, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the Town of Falmouth and in the State Police Headquarters at Augusta, Maine to determine from such records whether the person signing such certificate has been convicted of, or is under complaint or indictment for assault, assault and battery, or a felony; is a user of or addicted to marijuana or any other depressant, stimulant, or narcotic drug; or has ever been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at a mental institution and to report such finding to the person, firm, or corporation filing such certificate.

5. *Penalty for selling.* Any person, firm, or corporation selling, giving, or delivering a hand gun to any person before the expiration of said 72 hours or when notified within said period by the Chief of Police, or his authorized representative, that a person signing such certificate has been convicted of, or is under complaint or indictment for assault, assault and battery, or a felony; is a user of or addicted to marijuana or any other depressant, stimulant, or narcotic drug; or has been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00.

Lewiston

28–1. *Sale of weapons to minors prohibited; placard required.* (a) It shall be unlawful for any person in the city to sell or offer for sale any pistol, rifle, air rifle, gun, dirk, Bowie knife, slingshot, or any other weapon of like kind to any child under the age of sixteen (16) years.*

(b) In any establishment in the city wherein any pistol, rifle, air rifle, gun, dirk, Bowie knife, slingshot, or any other weapon of like kind is offered for sale, there shall be conspicuously posted in such establishment by the person in charge of the operation of such establishment a placard or notice set-

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

ting forth the provisions of this section. The heading of such placard or notice shall be printed in type not less than one and one-half (1½) inches in height and the body of said placard or notice shall be printed in type no smaller than eighteen (18) point pica. It shall be unlawful for any person in the city to sell or offer for sale any such weapon unless such placard or notice shall be conspicuously posted as required by this section.

28–29. *Defined.* For the purpose of this article, a hand gun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one (1) hand using fixed ammunition, except antique hand guns as defined by federal gun law.

28–32. *Conveyance to conform to regulations.* No person in the city shall sell, rent or exchange to any person any hand gun, except in accordance with the provisions of this article.

28–33. *Purchaser to sign application; contents of application.* Any person desiring to sell, rent or exchange a hand gun shall require the person seeking to purchase or obtain such gun to sign an application containing the following information:

28–34. *Police to examine purchaser's record.* The person proposing to sell, rent or exchange a hand gun shall deliver to the police department the application required by this article, upon which shall be endorsed the time of receipt by the officer receiving the application. Upon receipt of the application, the police department shall, as soon as possible, but within seventy-two (72) hours thereafter, make an examination of its records, the records of the state police and the records of such other law enforcement agencies as necessary to determine whether the person signing the application has been convicted of, or is under complaint or indictment for assault, assault and battery, threatening display of or carrying a concealed firearm or weapon, or any felony; has been convicted of the sale, use or possession of marijuana or any other depressant, stimulant or other narcotic drug; or has ever been adjudged by a court to be a mental defective or has been voluntarily or involuntarily committed to a mental institution.

28–35. *Disposition prohibited pending investigation, after notification of bad record; notification procedure.* No person shall sell, rent or exchange any hand gun to an applicant during the period of investigation required by this article or thereafter if notified during such period by the police department that the applicant has been convicted of, or is under indictment or complaint for assault, assault and battery, threatening display of or carrying a concealed firearm or weapon, or any felony; has been convicted of the sale, use or possession of marijuana or any other depressant, stimulant, or other narcotic drug; or has ever been adjudged by a court to be a mental defective or has been voluntarily or involuntarily committed to a mental institution. Said notification shall be delivered to the person proposing to sell, rent or exchange the hand gun by an officer of the police department, obtaining at the time of delivery a receipt or acknowledgment of the notification and the time and date received, whenever possible.

Portland

318.1 *No person, firm, or corporation* in the City of Portland shall sell, give, or deliver to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

318.2 *A hand gun shall mean* a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

318.3 *Such person, firm, or corporation* shall require the person seeking to purchase or obtain such hand gun to sign a certificate * * *.

318.4 *Such person, firm, or corporation* shall deliver such certificate to the Chief of Police of the City of Portland, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the City of Portland and in State Police Headquarters at Augusta, Maine to determine from such records whether the person signing such certificate has been convicted of, or is under complaint or indictment for, assault, assault and battery, or a felony; is a user of or addicted to marijuana or any other depressant, stimulant, or narcotic drug; or has ever been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution and to report such finding to the person, firm, or corporation filing such certificate.

318.5 *Any person, firm, or corporation selling,* giving, or delivering a hand gun to any person before the expiration of said 72 hours or when notified within said period by the Chief of Police, or his authorized representative, that a person signing such certificate has been convicted of, or is under complaint or indictment for, assault, assault and battery, or a felony; is a user of or addicted to marijuana or any other depressant, stimulant, or narcotic drug; or has been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00.

Presque Isle

20. *Sale and use of firearms.* A. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge.*

South Portland

6–4–2.7. *Sales to intoxicated persons and minors.* No person shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

6–4–2.8.1. *No person, firm, or corporation* in the City of South Portland shall sell, give, or deliver to any person any hand gun except in accordance with provisions of the following sections:

6–4–2.8.2 *Such person, firm, or corporation* shall require the person seeking to purchase or obtain such firearm to sign a certificate * * *.

6–4–2.8.3. *Such person, firm or corporation* shall deliver such certificate to the Chief of Police of the City of South Portland, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have seven (7) days after receipt of said certificate to make an examination of the records contained in the Police Department of the City of South Portland and in the State Police Headquarters at Augusta, Maine, and other appropriate records to determine from such records whether the person signing such certificate has been convicted of, or is under complaint or indictment for assault, assault and battery, or a felony; is a user of or addicted to marijuana or any other depressant, stimulant or narcotic drug; or has ever been judged by a Court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution and to report such finding to the person, firm or corporation filing such certificate.

Westbrook

24–14. *Defined.* A handgun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one hand, using fixed ammunition.

24–15. *Disposition regulated.* No person in the city shall sell, give or deliver to any person any handgun as hereinbefore defined, except in accordance with the provisions of the following sections.

24–16. *Purchaser, etc., to sign certificate; contents; penalty.* (a) A person selling, giving or delivering a handgun to any person shall require such person to sign a certificate * * *.

24–17. *Police chief to run investigation on purchasers.* One disposing of a handgun shall deliver the certificate required by the preceding section to the chief of police at police headquarters, and the chief shall have seven (7) days after receipt of such certificate to make an examination of the records contained in the police department and in the state police headquarters, in Augusta, Maine, or other departments, to determine from such records whether the person signing such certificate has been convicted of, or is under complaint or indictment for, assault, assault and battery or a felony; is a user of or addicted to marijuana or any other depressant, stimulant or narcotic drug; or has ever been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution and to report such findings to the person filing such certificate.

MARYLAND

State Law

MD. ANN. CODE, ARTICLE 27

372. *Definitions.* "Machine gun" as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

374. *Use of machine gun for aggressive purpose.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not more than ten years.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

375. *What constitutes aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in § 379 and has not been registered as in said section required; or

(d) When empty or loaded shells which have been used or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

377. *Exceptions.* Nothing contained in this subtitle shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States, the several states or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

379. *Registration of machine guns.* Every machine gun now in this State shall be registered with the Superintendent of the Maryland State Police, on June 1, 1933, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of the State Police and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purpose.

406. *Sale, etc., of deadly weapon or ammunition therefor to minor; exceptions.* It shall be unlawful for any person, be he licensed dealer or not, to sell, barter or give away any firearms whatsoever, or other deadly weapons or any ammunition therefor, to any minor under the age of eighteen years, except with the express permission of a parent or guardian of such minor. Any person violating this section shall on conviction thereof pay a fine of not less than fifty nor more than two hundred dollars, together with the costs of prosecution; and upon failure to pay said fine and costs shall be committed to jail and confined therein until such fine and costs are paid, or for the period of sixty days, whichever shall first occur, provided, however, that the provisions of this section shall not apply to a member of any organized militia in Maryland, when said member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and provided further that none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.*

441. *Definitions.* (a) As used in this subtitle—

(b) The term "person" includes an individual, partnership, association or corporation.

(c) The term "pistol or revolver" means any firearm with barrel less than twelve inches in length, including signal, starter, and blank pistols.

(d) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(e) The term "crime of violence" means abduction; arson; burglary, including common-law and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnapping; manslaughter, excepting involuntary manslaughter; mayhem; murder; rape; robbery; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

442. *Sale or transfer of pistols and revolvers.* (a) Right to regulate sales preempted by State.—All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on sales of pistols or revolvers are superseded by this section, and the State of Maryland hereby preempts the rights of such jurisdictions to regulate the sale of pistols and revolvers.

(b) Application to purchase or transfer.—No dealer shall sell or transfer any pistol or revolver until after seven days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and forwarded by the prospective seller or transferor to the superintendent of the Maryland State Police.

(c) Same—Disposition of copies.—The dealer shall promptly after receiving an application to purchase or transfer, completed in accordance with subsection (e) below, forward one copy of the same, by certified mail, to the Superintendent of the Maryland State Police. The copy forwarded to the said Superintendent shall contain the name, address, and signature of the prospective seller or transferor. The prospective seller or transferor shall retain one copy of the application for a period of not less than three years. The prospective purchaser or transferee shall be entitled to the remaining copy of the application.

(d) Same—Statement of penalties for supplying false information required.—The application to purchase or transfer shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than two years, or a fine of not more than $1,000, or both."

(e) Same—Information required.—The application to purchase or transfer shall contain the following information:

(1) Applicant's name, address, occupation, place and date of birth, height, weight, race, eye and hair color and signature. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of the jurisdiction in which the application is made.

(2) A statement by the applicant that he or she:

(i) Has never been convicted of a crime of violence, in this State or elsewhere, or of any of the provisions of this subtitle.

(ii) Is not a fugitive from justice.

(iii) Is not an habitual drunkard.

(iv) Is not an addict or an habitual user of narcotics, barbiturates or amphetamines.

(v) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others.

(vi) Is at least eighteen years of age.*

(vii) Has or has not submitted a prior application and, if so, when and where.

(3) The date and hour the application was delivered in completed form to the prospective seller or transferor by the prospective purchaser or transferee.

(g) Sale prohibited to disapproved applicant; exceptions.—No dealer shall sell or transfer a pistol or revolver to an applicant whose application has been timely disapproved, unless such disapproval has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his duly authorized agent or agents or overruled by the action of the courts pursuant to subsection (h) below.

(h) Hearing; judicial review.—Any prospective purchaser or transferee aggrieved by the action of the State Police may request a hearing within 30 days from the date when written notice was forwarded to such aggrieved person by writing to the Superintendent of State Police, who shall grant the hearing within fifteen days of said request. Said hearing and subsequent proceedings of judicial review, if any, thereupon following shall be conducted in accordance with the provisions of the Administrative Procedure Act.

(i) Notification of completed transaction; permanent record of sales and transfers.—Any dealer who sells or transfers a pistol or revolver in compliance with this subtitle shall forward a copy of the written notification of such completed transaction, within seven days from the date of delivery of the said pistol or revolver, to the Superintendent of the Maryland State Police, whose duty it shall be to maintain a permanent record of all such completed sales and transfers of pistols and revolvers in the State. The notifications shall contain an identifying description of the pistol or revolver sold or transferred including its caliber, make, model, manufacturer's serial number, if any, and any other special or peculiar characteristics or marking by which the said pistol or revolver may be identified.

(j) Construction of section.—Nothing in this section shall be construed to affect sales and/or transfers for bonafide resale in the ordinary course of business of a person duly licensed under § 443 of this subtitle, or sales, transfer, and/or the use of pistols or revolvers by any person authorized or required to sell, transfer, and/or use such pistols or revolvers as part of his or her duties as a member of any official police force or other law enforcement agency, the armed forces of the United States, including all official reserve organizations, or the Maryland National Guard.

(k) Penalties.—Any person who knowingly gives any false information or makes any material misstatement in an application required by this section, or who fails to

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

promptly forward such application to the Superintendent of the Maryland State Police or his duly authorized agent or agents, or who sells or transfers a pistol or revolver to a person other than the one by whom application was made, or who otherwise sells, transfers, purchases, or receives transfer of a pistol or revolver in violation of this section, shall upon conviction thereof be subject to the penalties hereinafter provided in § 448 of this subtitle.

443. (A) No person shall engage in the business of selling pistols or revolvers unless he lawfully possesses and conspicuously displays at his place of business, in addition to any other license required by law, a pistol and revolver Dealer's License issued by the Superintendent of the Maryland State Police or his duly authorized Agent or Agents. Such license shall identify the licensee and the location of his place of business. One such license shall be required for each place of business where pistols or revolvers are sold.

445. *Restrictions on sale, transfer and possession of pistols and revolvers.* (a) Right to regulate transfer and possession of pistols and revolvers preempted by State.—All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on possession or transfers by private parties of pistols and revolvers are superseded by this section and the State of Maryland hereby preempts the right of such jurisdictions to regulate the possession and transfer of pistols and revolvers.

(b) Sale or transfer to criminal, fugitive, etc.—It shall be unlawful for any dealer or person to sell or transfer a pistol or revolver to a person whom he knows or has reasonable cause to believe has been convicted of a crime of violence, or of any of the provisions of this subtitle, or is a fugitive from justice, or is an habitual drunkard, or is addicted to or an habitual user of narcotics, barbiturates or amphetamines, or is of unsound mind, or to any person visibly under the influence of alcohol or drugs, or to any person under eighteen years of age.*

(c) Possession by criminal, fugitive, etc.—It shall be unlawful for any person who has been convicted of a crime of violence, or of any of the provisions of this subtitle or who is a fugitive from justice or a habitual drunkard, or addicted to or an habitual user of narcotics, barbiturates or amphetamines, to possess a pistol or revolver.

446. *Sale, transfer, etc., of stolen pistol.* It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of any stolen pistol or revolver, knowing or having reasonable cause to believe same to have been stolen.

447. *Antique or unserviceable firearms excepted.* The provisions of this subtitle shall not be construed to include any antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

481A. It shall be lawful for any Maryland resident to purchase a rifle or shotgun from a federally licensed gun dealer in an adjoining state provided the purchaser is eligible to purchase a rifle or shotgun under the laws of such state.

Baltimore

81. *Definitions.* (1) The term "person" includes an individual, partnership, association or corporation.

(2) The term "pistol or revolver" as used in this subtitle means any firearm with barrel less than twelve inches in length.

(3) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(4) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(5) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any State, Territory, or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

85. *Convicts not to possess.* No person who has been convicted in this State or elsewhere for a crime of violence, shall own a pistol or have one in his possession or under his control.

88. *Delivery to minors and others.* No person shall deliver a pistol to any person under the age of twenty-one (21), except members of the Maryland State Guard and members of the Maryland Minute Men, or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind, or to any person visibly under the influence of liquor or of drugs. It shall be unlawful for any person to make any loan, secured by a mortgage, deposit or pledge, of a pistol or revolver.

89. *Order required for transfer.* No seller, transferrer or donor shall deliver a pistol to the purchaser, transferee or donee thereof except upon a written order, dated not more than sixty days prior thereto, and signed by the Police Commissioner of Baltimore City, or his agent, * * *. Such application shall be executed in triplicate. Said Police Commissioner, or his agent, shall immediately make an investigation of the applicant and if such investigation does not disclose that such applicant is under the age of twenty-one (21) years or has been convicted of a crime of violence, or is an habitual drunkard, or a drug addict, or is of unsound mind, said Police Commissioner or his agent, at the expiration of five days after such application is filed, shall sign an order in triplicate (which order shall be attached to said application), authorizing the applicant to purchase, transfer or give away a pistol. Said order shall contain a place for the signature of the purchaser, transferee or donee, and no seller, transferrer or donor shall deliver a pistol to the purchaser, transferee or donee unless the signature of such purchaser, transferee or donee shall be affixed to such order in triplicate in the presence of the seller, transferrer or donor and unless it shall appear that the signature affixed to such order is the same signature as the signature which appears on the application. * * *.

90. *False information.* No person shall, in purchasing or otherwise securing delivery of a pistol, or in registering the same, give false information or offer false evidence of his identity.

Baltimore County

18–7. *Purchase, sale, etc., in connection with minors.* (a) It shall be unlawful for any person under the age of twenty-one years to purchase, trade or acquire in any other manner, or to use or possess, or to attempt to use or possess, any gun, pistol, rifle, shotgun or any other type of firearm, without having first complied with the provisions of this section. Before so acquiring, using or possessing, or attempting to acquire, use or possess, any such firearm, the possessor or use, or prospective possessor or user, shall first file with the police department a statement of possession or use, which statement shall be retained by the police department. Such statement shall be endorsed by the parents or guardians of such person under twenty-one years of age, attesting to the knowledge of the parents or guardians of the acquisition, use or possession, or prospective acquisition, use or possession of any firearms. Such endorsement executed by the parents or guardians also shall provide clearly and with no exceptions or qualifications that any negligence of such person under twenty-one years of age in the use or possession of any firearm shall be imputed to the parents or guardians, and that the parents or guardians shall be jointly and severally liable with such person under twenty-one years of age for any civil damages caused by such negligence. All statements as required and provided for under this section shall be signed and sworn to before a person authorized to administer oaths. Nothing in this section shall be construed as requiring the registration or listing of firearms by serial number, or otherwise except as firearms.

(b) It shall be unlawful for any person to sell, give or in any manner transfer to any other person under the age of twenty-one years, any firearm unless the statements of acquisition, use or possession, or prospective acquisition, use or possession have been filed with the police department, as required herein.

(c) The provisions of this section shall not be construed to include any antique or unserviceable firearms sold or transferred or held as curios or museum pieces.

Capitol Heights

22. It shall be unlawful for any person, firm, or corporation, be he licensed dealer or not, to sell, barter, or give away any firearms, or ammunition whatsoever, or other deadly weapons, to any minor under the age of sixteen years.**

Cumberland

19–11. *Firearms—Pistols, revolvers, etc.—permit required.* No person shall sell, give or lend to any person within the city a revolver, pistol or other small firearm, unless such person has a permit from the Chief of Police authorizing the possession of such revolver, pistol or other small firearm. This section shall apply to all persons within the city, whether such persons are engaged in the business of buying and selling revolvers, pistols or other small firearms or not.

District Heights

6. It shall be unlawful for any child or children under the age of eighteen (18) years, to have in his possession whether for use or not, any shot-gun, rifle, pistol, firearm, air-gun, bow and arrow (other than an infant's toy), sling-shot, bean shooter, or any other fire-arm or missile propelling device, except and unless said child or children shall be engaging in "target practice" as above provided and permitted.*

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns, and handgun ammunition to persons under twenty-one (21) years of age.

**NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

Laurel

5-3. *Specific restrictions authorized.* During the existence of a proclaimed state of emergency, the mayor may impose by proclamation any or all of the following restrictions:

(a) Prohibit or regulate the possession off one's premises of explosives, firearms, ammunition or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof: * * *

Montgomery County

57-1 *Definition.* The following words and phrases shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

Crime of violence. Murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, arson, assault with intent to murder, ravish or rob, assault with a deadly weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

Fixed ammunition. Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

Fugitives from justice. Any person for whom criminal proceedings have been instituted, warrant issued or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this state, or who has fled from any state, territory, District of Columbia or possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

Gun. Any firearm, rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring or elastic.

Pistol or revolver. Any gun with a barrel less than sixteen inches in length that uses fixed ammunition.

Sell or purchase. Such terms and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing or otherwise transferring.

57-6. *Transfer of rifles or shotguns to minors.* It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any rifle or shotgun designed to use explosive ammunition or any projectile therefor within the county to a minor under the age of eighteen years; provided, that nothing contained within this section shall be construed to apply where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor, or in connection with a regularly conducted or supervised program of marksmanship training or participation.

57-7. *Unlawful ownership or possession of firearms.* It shall be unlawful for any person to use, carry, transport or keep a rifle or shotgun, or discharge a pistol, or to have a rifle or shotgun in his possession, custody, or control within the county, if;

(a) He is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in section 201 (v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731 (a) of the Internal Revenue Code of 1954), or is under treatment for such addiction; or

(b) He has been convicted in any court of a crime of violence, or of trafficking in narcotics or of a criminal violation of any of the provisions of article 27, sections 441 to 448, subtitle "Pistols", Annotated Code of Maryland, 1957 or any Federal firearms control laws; or

(c) He is a fugitive from justice; or

(d) He has been confined to any hospital or institution for treatment of a mental disorder or for mental illness unless a licensed physician has by affidavit stated that he is familiar with the person's history of mental illness and that is his opinion the person is not disabled by such illness in a manner which should prevent his possessing a rifle or a shotgun; or

(e) He is a member of a subversive organization or of any Comunist organization (as that term is defined in the Internal Security Act of 1950, as amended); or

(f) He has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that he is familiar with the person's history of alcoholism and that, in his opinion, the person is no longer suffering from a disability in such a manner which should prevent his possessing a rifle or shotgun.

57-9. *Exemptions from provisions of chapter.* Nothing in this chapter shall apply to the purchase, ownership or possession of bona fide antique guns which are incapable of use as a gun. Further, nothing in this chapter shall be deemed to prohibit the owner or tenant of any land from carrying or discharging a firearm on his land for the purpose of killing predatory animals which prey upon, damage or destroy his property, livestock or crops.

57-10. *Certificate of good conduct.* Any person disqualified from the ownership, use or possession of firearms by section 57-7 (except a person so disqualified because of a conviction of a crime involving the use of a firearm or other weapon) may apply for a certificate of good conduct for relief from such disability; provided, however, that any person convicted of a violation of the Gun Control Act of 1968 or the National Firearms Act shall not be eligible to apply for a certificate of good conduct for a period of one year after the entry of a final judgment of conviction of any such violation. The application shall be filed with the superintendent of police who may relieve the applicant from such disability by issuing a certificate of good conduct. The superintendent shall issue such a certificate if it is established to his satisfaction that the circumstances regarding the applicant's conviction and the applicant's record and reputation are such that the applicant would not be likely to act in a manner dangerous to the public safety and the granting of the certificate, in the opinion of the superintendent, would not be contrary to the public interest. The decision of the superintendent may, within thirty days after the decision is rendered, be appealed by the applicant to the circuit court.

Prince George's County

12-3. *Same—Sale, transfer, etc., to minors.* It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or weapon described in section 12-2 designed to use explosive ammunition or any projectile therefor, within the county to a minor under the age of seventeen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.*

This section shall not apply to any pistols or revolvers regulated by sections 441 to 448, article 27, Annotated Code of Maryland, 1957.

Takoma Park

8-51. *Definitions; weapons, confiscation.* (a) As used in this Division: (1) *Dangerous weapons* shall mean any pistol, excluding those defined in Subsection (a)(2), sawed off shotgun, machine gun, black jack, brass knuckles, sling shot, sand club, sandbag, switch blade knife, or any knife with a blade exceeding three (3) inches in length.

(2) *Pistol or revolver* means any firearm with a barrel less than twelve (12) inches in length, including signal, starter and blank pistols.

(b) Where a weapon is taken from a person who has subsequently been convicted of carrying a dangerous weapon it is properly confiscated by the police authorities.

8-53. *Sales permit required.* (a) No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any dangerous weapon without having previously obtained from the Clerk a special license authorizing the conduct of this business by this person. The Clerk is authorized to grant a license, without fee therefor, upon the filing with him by the applicant a bond, with sureties to be approved by the Mayor and Council, conditioned in a penal sum as they shall fix, to the City, for the compliance by the applicant with all the provisions of this Section.

8-57. *Sales to minor prohibited.* No person shall sell, barter, hire, lend, or give to any minor under the age of twenty-one (21) years any dangerous weapon.

8-58. *Sales of weapons to minors prohibited.* (a) No person shall sell to any child or children under the age of eighteen (18) years, firearms, ammunition gunpowder, gun caps, or other explosives in any quantity or quantities.

(b) Toy pistol caps as legalized under Maryland State Law shall not be construed to be prohibited under this Section.

Upper Marlboro

Sec. 12-3. Same—sale, transfer, etc., to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or weapon described in section 12-2, designed to use explosive ammunition or any projectile therefor, within the county to a minor under the age of seventeen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

This section shall not apply to any pistols or revolvers regulated by sections 441 to 448, article 27, Annotated Code of Maryland, 1957.

MASSACHUSETTS

State Law

MASS. GEN. LAWS ANN. CHAPTER 140

121. *Firearms Definitions, Exceptions.* In sections one hundred and twenty-two to one hundred and thirty-one F, inclusive, "firearm" shall mean a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel is less than sixteen inches or eighteen inches in the case of a shotgun, and the term "length of barrel" shall mean that portion of a firearm, rifle, shotgun or machine gun through which a shot or bullet is driven, guided or stabilized, and shall include the chamber. A "machine gun" is a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, and includes a subma-

chine gun. The term "ammunition" shall mean cartridges or cartridge cases, primers (igniter), bullets or propellent powder designed for use in any firearm, rifle or shotgun. The term "ammunition" shall also mean tear gas cartridges, chemical mace, or any device or instrument which contains or emits a liquid, gas, powder, or any other substance designed to incapacitate.

The words "purchase" and "sale" include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilty, or a plea of guilty whether or not final sentence is imposed. "Licensing Authority" shall mean the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

Where the local licensing authority has the power to issue licenses or cards under this chapter, but no such authority exists, any resident or applicant may apply for such license or firearm identification card directly to the commissioner of the department of public safety and the commissioner shall for this purpose be the licensing authority.

Sections one hundred and twenty-two to one hundred and twenty-nine D, inclusive, and sections one hundred and thirty-one A, one hundred and thirty-one B and one hundred and thirty-one E shall not apply to

(A) any firearm, rifle or shotgun including any firearm, rifle or shotgun with matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before eighteen hundred and ninety-eight;

(B) any replica, or any firearm, rifle or shotgun described in clause (A) if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(C) manufacturers or wholesalers of firearms, rifles, shotguns or machine guns.

123. *Conditions of licenses granted under § 122.* A license granted under section one hundred and twenty-two shall be expressed to be and shall be subject to the following conditions:—First, That the provisions in regard to the nature of the license and the building in which the business may be carried on under it shall be strictly adhered to. Second, That every licensee shall, before delivery of a firearm, rifle or shotgun, make or cause to be made a true, legible entry in a sales record book to be furnished by the commissioner of public safety and to be kept for that purpose, specifying the complete description of the firearm, rifle or shotgun, including the make, serial number, if any, type of firearm, rifle or shotgun whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit to purchase number and the identification card number in the case of a firearm or the identification card number or the license to carry firearms number in the case of a rifle or shotgun, the sex, residence and occupation of the purchaser, renter or lessee, and shall before delivery, as aforesaid, require the purchaser, renter or lessee personally to write in said sales record book his full name. Said book shall be open at all times to the inspection of the police. Third, That the license or a copy thereof, certified by the official issuing the same, shall be displayed on the premises in a position where it can easily be read. Fourth, That no firearm, rifle or shotgun, or machine gun shall be displayed in any outer window of said premises or in any other place where it can readily be seen from the outside. Fifth, That the licensee shall, once a week, send a copy of the record of sales, rentals and leases made by him for the preceding seven days to the commissioner of public safety. Sixth, That every firearm, rifle or shotgun shall be unloaded when delivered. Seventh, That no delivery of a firearm or of ammunition therefor shall be made to any minor nor to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one nor shall any delivery of a rifle or shotgun or ammunition therefor be made to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one or a firearm identification card issued under the provisions of section one hundred and twenty-nine B; provided, however, that delivery of a firearm by a licensee to a person possessing a valid permit to purchase said firearm issued under the provisions of section one hundred and thirty-one A and a valid firearm identification card issued under section one hundred and twenty-nine B may be made by the licensee to the purchaser's residence or place of business. Eighth, That no firearm shall be sold, rented or leased to a minor or a person who has not a permit then in force to purchase, rent or lease the same issued under section one hundred and thirty-one A, and a firearm identification card issued under the provisions of section one hundred and twenty-nine B, or unless such person has a license to carry firearms issued under the provisions of section one hundred and thirty-one; nor shall any rifle or shotgun be sold, rented or leased to a person who has not a valid firearm identification card as provided for in section one hundred and twenty-nine B, or has a license to carry firearms as provided in section one hundred and thirty-one; and that no machine gun shall be sold, rented or leased to any person who has not a license to possess the same issued under section one hundred and thirty-one. Ninth, That upon the sale, rental or lease of a firearm, subject to a permit to purchase issued under the provisions of section one hundred and thirty-one A, the licensee under section one hundred and twenty-two shall take up such permit to purchase and shall endorse upon it the date and place of said sale, rental or lease, and shall transmit the same to the commissioner of public safety; and that upon the sale, rental or lease of a machine gun shall endorse upon the license to possess the same the date and place of said sale, rental or lease, and shall within seven days transmit a notice thereof to said commissioner. In case of a sale under the provisions of section one hundred and thirty-one E the licensee under section one hundred and twenty-two shall write in the sales record book the number of the license to carry firearms issued the purchaser under the provisions of section one hundred and thirty-one, or the number of the firearm identification card issued the purchaser under the provisions of section one hundred and twenty-nine B, whichever is applicable under the provisions of condition Eighth of this section. Tenth, That this license shall be subject to forfeiture as provided in section one hundred and twenty-five for breach of any of its conditions, and that, if the licensee hereunder is convicted of a violation of any such conditions, this license shall thereupon become void. Eleventh, That the second, fifth, eighth and ninth conditions shall not apply to a gunsmith with regard to repair or remodeling or servicing of firearms, rifles or shotguns unless said gunsmith has manufactured a firearm, rifle or shotgun for the purchaser, but said gunsmith shall keep records of the work done by him together with the names and addresses of his customers. Such records shall be kept open for inspection by the police at all times. Twelfth, That any licensee shall keep records of each sale, rental or lease of a rifle or shotgun, specifying the description of said rifle or shotgun, together with the name and address of the purchaser, renter or lessee, and the date of such transaction. No licensee shall sell any rifle or shotgun, contrary to the provisions of section one hundred and thirty.

128A. *Sales, etc., by certain unlicensed residents who sell, etc., not more than four firearms, etc. within calendar year, etc.* The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed, as provided in section one hundred and twenty-two, sells, exposes for sale, or has in his possession with intent to sell not more than four firearms including rifles and shotguns, in any one calendar year; provided, however, the seller has a firearm identification card or a license to carry firearms, is an exempt person under the conditions of clauses (n), (o), (r) and (s) of the fourth paragraph of section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine D and the purchaser has, in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of section one hundred and thirty-one A and a firearm identification card issued under section one hundred and twenty-nine B, or has such permit to purchase and is an exempt person under the provisions of section one hundred and twenty-nine C, or has been issued a license to carry firearms under the provisions of section one hundred and thirty of this chapter, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms or is an exempt person as hereinbefore stated; and provided, further, that such resident reports within seven days, in writing to the commissioner of public safety on forms furnished by said commissioner, the names and addresses of the seller and the purchaser of any such firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including the calibre, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and firearm identification card number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun.

128B. *Reports by residents and nonresidents purchasing or obtaining firearms, etc.* Any resident of the commonwealth who purchases or obtains a firearm, rifle or shotgun or machine gun from any source within or without the commonwealth, other than from a licensee under section one hundred and twenty-two or a person authorized to sell firearms under section one hundred and twenty-eight A, and any nonresident of the commonwealth who purchases or obtains a firearm, rifle, shotgun or machine gun from any source within or without the commonwealth, other than such a licensee or person,

and receives such firearm, rifle, shotgun or machine gun, within the commonwealth shall within seven days after receiving such firearm, rifle, shotgun or machine gun, report, in writing, to the commissioner of public safety the name and address of the seller or donor and the buyer or donee, together with a complete description of the firearm, rifle, shotgun of machine gun, including the caliber, make and serial number.

129. Whoever in purchasing, renting or hiring a firearm, rifle, shotgun or machine gun, or in making application for any form of license or permit issued in connection therewith, or in requesting that work be done by a gunsmith, gives a false or fictitious name or address or knowingly offers or gives false information concerning the date or place of birth, his citizenship status, occupation, or criminal record, shall for the first offense be punished by a fine or not less than five hundred nor more than one thousand dollars, or by imprisonment for not more than one year, or both; and for a second or subsequent offense, shall be punished by imprisonment for not less than two and one half years nor more than five years in the state prison.

129B. *Firearm identification card; disqualification of applicants; time for denial, etc., of application; suspension or revocation; form; renewal; reports, etc., on applicant.* Any person residing or having a place of business within the jurisdiction of the licensing authority may submit to the licensing authority application for a firearm identification card, which such person shall be entitled to, unless the applicant (a) has within the last five years been convicted of a felony in any state or federal jurisdiction, or within that period has been released from confinement where such person was serving a sentence for a felony conviction; or (b) has been confined to any hospital or institution for mental illness, except where the applicant shall submit with the application an affidavit of a registered physician that he is familiar with the applicant's history of mental illness and that in his opinion the applicant is not disabled by such illness in a manner which should prevent his possessing a firearm, rifle or shotgun, or (c) has within the last five years been convicted of a violation of any state or federal narcotic or harmful drug law, or within that period has been released from confinement for such a conviction; or is or has been under treatment for or confinement for drug addiction or habitual drunkenness, except when he is deemed to be cured of such condition by a registered physician, he may make application for said card after the expiration of five years from the date of such confinement or treatment and upon presentation of an affidavit issued by said physician to the effect that the physician knows the applicant's history of treatment and that in his opinion the applicant is deemed cured, or (d) is at the time of the application under the age of fifteen, or (e) is at the time of the application fifteen years of age or over but under the age of eighteen except where the applicant submits with his application a certificate of his parent or guardian granting the applicant permission to apply for a card or (f) is an alien.

The licensing authority may not prescribe any other condition for the issuance of a card and it shall within thirty days from the date of application either approve the application and issue the card or deny the application and notify the applicant of the reason for such denial in writing. Pending issuance of the card, a receipt for the fee paid shall, after five days from issuance, serve as a valid substitute, unless the applicant is disqualified. Written notice of denial of the application shall void the receipt and require its immediate surrender. A card may be revoked by the licensing authority or his delegate or suspended for such period as he may set, only upon the occurrence of any event which would have disqualified the holder from being issued the card. Any suspension or revocation of a card shall be in writing and shall state the reason therefor. Upon revocation or suspension, the licensing authority shall take possession of said card and receipt for fee paid for such card.

Any applicant or holder aggrieved by a denial, revocation or suspension of a card may within ninety days after receipt of notice appeal to the district court for a review of such action.

Said card shall be in a form prescribed by the commissioner and shall contain an identification number, the name and address of the holder, his place and date of birth, his height, weight, and hair and eye color, and his signature and shall be captioned "Firearm Identification Card". The application for a card shall be made in multiple on a form prescribed by the commissioner which shall require the applicant affirmatively to state that he is not disqualified for any of the foregoing reasons from possession of a card.

Said card shall be valid until revoked or suspended. The fee for an application and card shall be two dollars which shall be payable to the licensing authority and shall not not be prorated or refunded in case of revocation or denial. The card holder shall notify, in writing, both the issuing authority and the commissioner of public safety of any change in his address. Such notification shall be made within ten days of its occurrence.

Upon receipt of an application for a card, the licensing authority shall forward a copy of such application to the commissioner of public safety, who shall within twenty-one days advise in writing of any disqualifying criminal record, if any, of the applicant and whether there is reason to believe that the applicant is disqualified for any of the foregoing reasons for possessing a card. The licensing authority may make inquiries concerning the applicant to the department of mental health for the purpose of determining eligibility for the firearm identification card and shall receive prompt and full cooperation from such department for that purpose in any investigation of an applicant.

129C. *Same subject; restrictions on possession, transfer, etc., of firearms, etc.; reports; persons and uses exempted from provisions of section; purchases by certain exempt persons.* No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver, or an exempt person as hereinafter described, shall own or possess any firearm, rifle, shotgun or ammunition unless he has been issued a firearm identification card by the licensing authority pursuant to the provisions of section one hundred and twenty-nine B.

No person shall sell, give away, loan or otherwise transfer a rifle or shotgun or ammunition other than (a) by operation of law, or (b) to an exempt person as hereinafter described, or (c) to a licensed dealer, or (d) to a person who displays his firearm identification card, or license to carry a pistol or revolver.

A seller shall, within seven days, report all such transfers to the commissioner of public safety according to the provisions set forth in section one hundred and twenty-eight A, and in the case of loss, theft or recovery of any firearm, rifle or shotgun, a similar report shall be made forthwith to both the commissioner and the licensing authority in the city or town where the owner resides.

The provisions of this section shall not apply to the following exempted persons and uses:

(*a*) Any device used exclusively for signalling or distress use and required or recommended by the United States Coast Guard or the Interstate Commerce Commission, or for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(b) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers, or on their behalf, when possession of firearms, rifles or shotguns and ammunition therefor is necessary for manufacture, display, storage, transport, installation, inspection or testing;

(c) To a person voluntarily surrendering a firearm, rifle or shotgun to a licensing authority, the commissioner or his designee if prior written notice has been given by said person to the licensing authority or the commissioner, stating the place and approximate time of said surrender;

(d) The regular and ordinary transport of firearms, rifles or shotguns and ammunition therefor as merchandise by any common carrier;

(e) Possession by retail customers for the purpose of firing at duly licensed target concessions at amusement parks, piers and similar locations, provided that the firearms, rifles or shotguns and ammunition therefor to be so used are firmly chained or affixed to the counter and that the proprietor is in possession of a firearm identification card or license to carry firearms;

(f) Possession of rifles and shotguns and ammunition therefor by nonresident hunting licenses during hunting season;

(g) Possession of rifles and shotguns and ammunition therefor by nonresidents while on a firing or shooting range;

(h) Possession of rifles and shotguns and ammunition therefor by nonresidents traveling in or through the commonwealth, providing that any rifles or shotguns are unloaded and enclosed in a case;

(i) Possession of rifles and shotguns and ammunition therefor by nonresidents while at a firearm showing or display organized by a regularly existing gun collectors' club or association;

(*i*) Possession of rifles and shotguns by nonresidents while at a firearm showing or display organized by a regularly existing gun collectors' club or association;

(*j*) Any new resident moving into the commonwealth, or any resident of the commonwealth upon being released from active service with any of the armed services of the United States with respect to any firearm, rifle or shotgun then in his possession, for sixty days after such release or after the time he moves into the commonwealth;

(*k*) Any person under the age of fifteen with respect to the use of a rifle or shotgun by such person in hunting or target shooting, provided that such use is otherwise permitted by law and is under the immediate supervision of a person holding a firearm identification card or a license to carry firearms, or a duly commissioned officer, noncommissioned officer or enlisted member of the United States Army, Navy, Marine Corps, Air Force or Coast Guard, or the National Guard or military service of the commonwealth or reserve components thereof, while in the performance of his duty;

(*l*) The possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, pro-

viding such possession or utilization is under the immediate supervision of a holder of a firearm identification card or a license to carry firearms;

(*m*) The temporary holding, handling or firing of a firearm for examination, trial or instruction in the presence of a holder of a license to carry firearms, or the temporary holding, handling or firing of a rifle or shotgun for examination, trial or instruction in the presence of a holder of a firearm identification card, or where such holding, handling or firing is for a lawful purpose;

(*n*) The transfer of a firearm, rifle or shotgun upon the death of an owner to his heir or legatee shall be subject to the provisions of this section, provided that said heir or legatee shall within one hundred and eighty days of such transfer, obtain a firearm identification card or a license to carry firearms if not otherwise an exempt person who is qualified to receive such or apply to the licensing authority for such further limited period as may be necessary for the disposition of such firearm, rifle or shotgun;

(*o*) Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty or when duly authorized to possess them, provided, however, that private or sporting use of such firearms, rifles or shotguns shall be subject to the provisions applicable to non-exempt persons and uses;

(*p*) Possession of rifles and shotguns by nonresidents bearing a current license, permit or identification card to possess any firearm, rifle or shotgun in the state in which they reside;

(*q*) Any nonresident from a contiguous state, provided he is eighteen years of age or over when acquiring a rifle or shotgun, or ammunition, provided it is removed from the commonwealth within fourteen days of such acquisition, and provided that he is in compliance with his own state law and has the proper firearms license if required, and provided, further, that in the case of a rifle or shotgun the seller notifies the chief of police where the purchaser resides of the transfer, description and serial number of the rifle or shotgun and the name, address and license number of the purchaser and seller;

(*r*) Possession by a veteran's organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty and possession by the members of any such organizations when on official parade duty or ceremonial occasions;

(*s*) Possession by federal, state and local historical societies, museums, and institutional collections open to the public, provided such firearms, rifles or shotguns are unloaded, properly housed and secured from unauthorized handling.

Any person, exempted by clauses (o), (p) and (q), purchasing a rifle or shotgun and ammunition therefor shall submit to the seller such full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, other state firearms license, or proof of nonresidence, as may be applicable. * * *.

130. *Penalty for selling, etc., firearms, etc., to minor or alien.* Whoever sells or furnishes a firearm or machine gun or ammunition therefor to any alien or to a minor or whoever sells or furnishes a rifle or shotgun or ammunition therefor to an alien who does not hold a permit card issued to him under section one hundred and thirty-one H, or to a minor eighteen years of age or older, except to such minor who being eighteen years of age or older displays either a license to carry firearms or a firearms identification card, and a sporting or hunting license issued to him in the case of ammunition, or displays such license to carry, or firearm identification card together with said sporting or hunting license, and the written consent of his parent or guardian that a rifle or shotgun be sold to him or furnished to him in the case of a rifle or shotgun, or to a minor under eighteen years of age, shall have his license to sell firearms, machine guns or ammunition revoked and shall not be entitled to apply for such a license for ten years from the date of revocation and shall be punished by a fine of not less than five hunderd or more than one thousand dollars. Nothing in this section or section one hundred and thirty-one E shall be construed to prohibit a parent or guardian from allowing his child or ward, who has not attained age fifteen, the supervised use of a rifle or shotgun or ammunition therefor, according to the provisions of section one hundred and twenty-nine C nor from furnishing his child or ward, who has attained age fifteen, with a rifle or shotgun or ammunition therefor, provided said child or ward, being fifteen years of age or older, has a valid firearm identification card, issued to him, nor shall it be construed as prohibiting as instructor from furnishing rifles or shotguns or ammunition therefor to pupils, provided said instructor has the consent of the parent or guardian of the minor.

131A. *Permits to purchase, rent, or lease firearm; penalty.* A licensing authority under section one hundred and thirty-one, upon the application of a person qualified to be granted a license thereunder by such authority, may grant to such a person, other than a minor, a permit to purchase, rent or lease a firearm, rifle or shotgun if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will. The commissioner of public safety or a person authorized by him, upon the application of a person licensed under section one hundred and thirty-one F, may grant to such licensee, other than a minor, a permit to purchase, rent or lease a firearm, rifle or shotgun, or to purchase ammunition therefor, if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will. Such permits shall be issued on forms furnished by the commissioner of public safety, shall be valid for not more than ten days after issue, and a copy of every such permit so issued shall within one week thereafter be sent to the said commissioner. Whoever knowingly issues a permit in violation of this section shall be punished by a fine of not less than five hundred nor more than one thousand dollars and by imprisonment for not less than six months nor more than two years in a jail or house of correction. The fee for such permits shall be two dollars.

131E. *Purchase by licensed resident; purchase for use of another, etc., prohibited; penalty.* Any resident of the commonwealth except a minor may purchase firearms, rifles and shotguns from any dealer licensed under section one hundred and twenty-two, or from such person as shall be qualified under section one hundred and twenty-eight A, or ammunition therefor from a licensee under section one hundred and twenty-two B, upon presentation of a valid license to carry firearms issued to him under the provisions of section one hundred and thirty-one, or a permit to purchase issued to him under section one hundred and thirty-one A together with a firearm identification card issued to him under the provisions of section one hundred and twenty-nine B, or said permit to purchase together with proof of exempt status under the provisions of section one hundred and twenty-nine C, in the case of a firearm, or in the case of a rifle or shotgun, said license to carry or said firearm identification card or said proof of exempt status, except that no rifle, shotgun or ammunition therefor shall be sold to any minor under eighteen years of age nor to any minor eighteen years of age or older unless such minor displays a license to carry firearms or a firearm identification card issued to him, a hunting or sporting license issued to him, and the written consent of his parent or guardian to purchase a particular rifle or shotgun, except, however, that said written consent shall not be required for purchase of ammunition only. Any person who uses said license to carry firearms or firearm identification card for the purpose of purchasing a firearm, rifle or shotgun for the unlawful use of another, or for resale to or giving to an unlicensed person, shall be punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment for not less than six months nor more than two years in a jail or house of correction, or by both such fine and imprisonment. A conviction of a violation of this section shall be reported forthwith by the court to the licensing authority which issued the license or firearm identification card, which shall immediately revoke the license or firearm identification card of such person. No new license or firearm identification card under section one hundred and twenty-nine B or section one hundred and thirty-one shall be issued to any such person within two years after the date of said revocation.

131F. *Temporary license to carry firearms issued to non-residents, etc.* A license, otherwise in accordance with provisions of this section, may be issued to a nonresident employee, whose application is endorsed by his employer, of a federally licensed Massachusetts manufacturer of machine guns to possess within the commonwealth a machine gun for the purpose of transporting or testing relative to the manufacture of machine guns, and the license shall be marked "temporary license to possess a machine gun" and may be issued for any term not to exceed two years and shall expire in accordance with the provisions of section one hundred and thirty-one.

131H. *Permit to possess, etc., firearms by aliens.* No alien shall own or have in his possession or under his control a firearm, rifle or shotgun, except as provided in this section. The commissioner of public safety may, after an investigation, issue a permit to an alien to own or have in his possession or under his control a rifle or shotgun; subject to such terms and conditions as said commissioner may deem proper. The fee for such permit shall be two dollars and twenty-five cents. Upon issuing such permit said commissioner shall so notify, in writing, the chief of police or the board or officer having control of the police in the city or town in which such alien resides. Each such permit card shall expire at twelve midnight on December thirty-first next succeeding the effective date of said permit, and shall be revocable for cause by said commissioner. In case of revocation, the fee for such permit shall not be prorated or refunded. Whenever any such permit is revoked, said commissioner shall given notification as hereinbefore provided. The permit issued to an alien under this section shall be subject to sections one hundred and twenty-nine B and one hundred and twenty-nine C except as otherwise provided by this section.

Violation of any provision of this section shall be punished by a fine of not less than five hundred nor more than one thousand

dollars, and by imprisonment for not more than six months in a jail or house of correction. If, in any prosecution for violation of this section, the defendant alleges that he has been naturalized, or alleges that he is a citizen of the United States, the burden of proving the same shall be upon him. Any firearm, rifle or shotgun owned by an alien or in his possession or under his control in violation of this section shall be forfeited to the commonwealth. Any such firearm, rifle or shotgun may be the subject of a search warrant as provided in chapter two hundred and seventy-six.

The director of law enforcement of the department of natural resources, his assistants, natural resource officers, deputy natural resource officers, wardens as defined in section one of chapter one hundred and thirty-one, members of the state police, members of the metropolitan district commission police in areas over which they have jurisdiction, and all officers qualified to serve criminal process shall arrest, without a warrant, any person found with a firearm, rifle or shotgun in his possession if they have reason to believe that he is an alien and if he does not have in his possession a valid permit as provided in this section.

MASS. GEN. LAWS ANN. CHAPTER 148

35. *Possession of bombs and explosives; penalty.* No person shall have in his possession or under his control any bomb or other high explosive, as defined by the rules and regulations made under section nine, contrary to the provisions of this chapter or of any rule or regulation made thereunder. Whoever violates this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than two and one half years, or both, and any bomb or explosive found in his possession or under his control on such violation shall be forfeited to the commonwealth. Any officer qualified to serve criminal process may arrest without a warrant any person violating this section.

MASS. GEN. LAWS ANN. CHAPTER 266

102A. *Possession of infernal machine; notice of seizure.* Whoever, other than a police or other law enforcement officer acting in the discharge of his official duties, has in his possession or under his control an infernal machine or a similar instrument, contrivance or device shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment, and the said machine, instrument, contrivance or device shall be forfeited to the commonwealth. The term "infernal machine," as used in this section, shall include any device for endangering life or doing unusual damage to property, or both, by fire or explosion, whether or not contrived to ignite or explode automatically and whether or not disguised so as to appear harmless. Notice of the seizure of any such machine, instrument, contrivance or device shall be sent forthwith to the commissioner of public safety and the article seized shall be subject to his order.

102B. *Possession, etc., of molotov cocktail or similar device; exceptions; penalties.* Whoever makes, sells, uses or has in his possession or under his control a bottle or other breakable container containing a flammable liquid into which has been fixed or placed a wick or similar device, and which bottle or container when ignited and thrown will cause a fire or explosion, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than two and one half years, or both.

The provisions of this section shall not apply to flares, lanterns, fireworks or other such devices used for signal or illumination purposes, or for any other lawful purpose.

Whoever violates any provision of this section may be arrested without a warrant and held in custody in jail or otherwise until a complaint be made against him for such offense unless previously admitted to bail, which complaint shall be made as soon as practicable and in any case within twenty-four hours, Sundays and legal holidays excepted.

MASS. GEN. LAWS ANN. CHAPTER 269

10. *Penalty for unlawfully carrying dangerous weapons, possessing machine gun, etc.* Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, a firearm as defined in section one hundred and twenty-one of chapter one hundred and forty, loaded or unloaded, without permission under sections one hundred and thirty-one or one hundred and thirty-one F of chapter one hundred and forty; or whoever so carries any stiletto, dagger, dirk knife, any knife having a double-edged blade, or a switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one half inches, or a slung shot, black jack, metallic knuckles or knuckles of any substance which could be put to the same use and with the same or similar effect as metallic knuckles, or a sawed-off shotgun; or whoever, when arrested upon a warrant for an alleged crime or when arrested while committing a breach or disturbance of the public peace, is armed with or has on his person, or has on his person or under his control in a vehicle, a billy or other dangerous weapon other than those herein mentioned, shall be punished by imprisonment for not less than two and one half years nor more than five years in the state prison, or for not less than six months nor more than two and one half years in a jail or house of correction, except that, if the court finds the defendant has not been previously convicted of a felony, he may be punished by a fine of not more than fifty dollars or by imprisonment for not more than two and one half years in a jail or house of correction; or whoever, after having been convicted of any of the aforesaid offenses commits the like offense or any other of the aforesaid offenses, shall be punished by imprisonment in the state prison for not less than five years, for a third such offense, by imprisonment in the state prison for not less than seven years, and for a fourth such offense, by imprisonment in the state prison for not less than ten years. The sentence imposed upon a person who, after a conviction of an offense under this paragraph, commits the same or a like offense, shall not be suspended, nor shall any person so sentenced be eligible for parole or receive any deduction from his sentence for good conduct. Whoever, except as provided by law, possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter, shall be punished by imprisonment in the state prison for life or for any term of years. Upon conviction of a violation of this section, the firearm or other article shall, unless otherwise ordered by the court, be confiscated by the commonwealth. The firearm or article so confiscated shall, by the authority of the written order of the court be forwarded by common carrier to the commissioner of public safety, who, upon receipt of the same, shall notify said court or justice thereof. Said commissioner may sell or destroy the same, and, in case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to the commonwealth.

The court may, if the firearm or other article was lost by or stolen from the person lawfully in possession of it, order its return to such person, and where it has been the finding of the court that a person has been guilty of unlawful possession of a firearm, but makes the further finding that such possession was in ignorance of the law, the court may order the return of said firearm to its owner upon his compliance with those regulations relative to the establishment of lawful possession.

Whoever, within this commonwealth, produces for sale, delivers or causes to be delivered, orders for delivery, sells or offers for sale, or fails to keep records regarding, any rifle or shotgun without complying with the requirement of a serial number, as provided in section one hundred and twenty-nine C of chapter one hundred and forty, shall for the first offense be punished by confinement in a jail or house of correction for not more than two and one-half years, or by a fine of not more than five hundred dollars.

Whoever fails to keep records or report serial numbers, if required to do so by section one hundred and twenty-nine C of chapter one hundred and forty, shall be punished by imprisonment in a jail or house of correction for not more than two and one half years or by a fine or not more than five hundred dollars.

Whoever owns, possesses, or transfers possession of a firearm, rifle, shotgun or ammunition without complying with the requirement relating to the firearm identification card provided for in section one hundred and twenty-nine C of chapter one hundred and forty shall be punished by imprisonment in a jail or house of correction for not more than one year or by a fine of not more than five hundred dollars.

A second violation of this paragraph shall be punished by imprisonment in a jail or house of correction for not more than two years or by a fine of not more than one thousand dollars or both.

Whoever knowingly fails to deliver or surrender a revoked or suspended license to carry firearms issued under the provisions of sections one hundred and thirty-one or one hundred and thirty-one F of chapter one hundred and forty, or firearm identification card, or receipt for the fee for such card, or a firearm, rifle or shotgun, as provided in section one hundred and twenty-nine D of chapter one hundred and forty, unless an appeal is pending, shall be punished by imprisonment in a jail or house of correction for not more than two and one-half years or by a fine of not more than one thousand dollars.

Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded, in any building or on the grounds of any college or university without the written authorization of the board or officer in charge of said college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year or both. For the purpose of this paragraph "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

For the purpose of this section "sawed-off shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than twenty-six inches.

10A. *Sale, etc., of silencers for firearms.* Whoever sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized police official, or uses or possesses, any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in the state prison or for not more than two and one half years in a jail or house of correction. Upon conviction of a violation of this section, the instrument, attachment, or other article shall be confiscated by the commonwealth and forwarded, by the authority of the written order of the court, to the commissioner of public safety, who shall destroy said article.

11A. *Definitions.* For the purpose of this section and sections eleven B, eleven C and eleven D, the following words shall have the following meanings:

"Firearm", a firearm as defined in section one hundred and twenty-one of chapter one hundred and forty, or a rifle or shotgun.

"Serial number", the number stamped or placed upon a firearm by the manufacturer in the original process of manufacture.

"Identification number", the number stamped or placed upon a firearm by the commissioner of public safety under authority of section eleven D.

11C. *Removing, defacing, etc., serial or identification number of firearm.* Whoever, by himself or another, removes, defaces, alters, obliterates or mutilates in any manner the serial number or identification number of a firearm, or in any way participates therein, and whoever receives a firearm, with knowledge that its serial number or identification number has been removed, defaced, altered, obliterated or mutilated in any manner, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not less than one month nor more than two and one half years. Possession or control of a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be prima facie evidence that the person having such possession or control is guilty of a violation of this section; but such prima facie evidence may be rebutted by evidence that such person had no knowledge whatever that such number had been removed, defaced, altered, obliterated or mutilated, or by evidence that he had no guilty knowledge thereof. Upon a conviction of a violation of this section said firearm or other article shall be forwarded, by the authority of the written order of the court, to the commissioner of public safety, who shall cause said firearm or other article to be destroyed.

11E. *Firearms sold, etc., by manufacturers and dealers to have serial identification numbers; penalty.* All firearms, rifles and shotguns of new manufacture, manufactured or delivered to any licensed dealer within the commonwealth shall bear serial numbers permanently inscribed on a visible metal area of said firearm, rifle, or shotgun, and the manufacturer of said firearm, rifle or shotgun shall keep records of said serial numbers and the dealer, distributor or person to whom the firearm, rifle or shotgun was sold or delivered. No licensed dealer shall order for delivery, cause to be delivered, offer for sale or sell within the commonwealth any newly manufactured firearm, rifle or shotgun received directly from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any licensed manufacturer or distributor of firearms, rifles or shotguns deliver or cause to be delivered within the commonwealth any firearm, rifle or shotgun not complying with this section.

No licensed manufacturer within the commonwealth shall produce for sale within the United States, its territories or possessions any firearm, rifle or shotgun not complying with paragraph one of this section. Whoever violates this section shall be punished by a fine of five hundred dollars. Each such violation shall constitute a separate offense.

12. *Manufacturing, etc., slung shot, etc.* Whoever manufactures or causes to be manufactured, or sells or exposes for sale, an instrument or weapon of the kind usually known as a dirk knife, switch knife or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one half inches, slung shot, sling shot, bean blower, sword cane, pistol cane, bludgeon, blackjack, or metallic knuckles or knuckles of any other substance which could be put to the same use and with the same or similar effect as metallic knuckles, shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than six months; provided, however, that sling shots may be manufactured and sold to clubs or associations conducting sporting events where such sling shots are used.

Boston

(120) *Firearms, license to carry or possess.* The fee for a license to carry firearms in the commonwealth* or to possess therein a machine gun granted by the police commissioner under setcion 131 of chapter 140 of the General Laws shall be $5.00.

(121) *Firearms, permit to purchase, rent or lease.* The fee for a permit to purchase, rent or lease a firearm granted by the police commissioner under section 131A of chapter 140 of the General Laws shall be $5.00.

(122) *Firearms, license to sell, rent or lease.* The fee for a license to sell, rent or lease firearms, rifles, shotguns or machine guns granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be $25.00.

Fall River

20–3. *Ammunition and guns—sale to minors.* No person shall sell to any minor under the age of sixteen years, without the written consent of his parent or guardian, any cartridge or fixed ammunition containing any fulminate, or any gun, pistol or other contrivance intended for the explosion of such cartridge, ammunition or fulminate.*

MICHIGAN

State Law

MICH. COMP. LAWS ANN. TITLE 28

28.91. *Terms defined.* 1. As used in this act:

(a) "Pistol" means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm.

(b) "Purchaser" means any person who receives a pistol from another by purchase, gift or loan.

(c) "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

28.92 *Purchasing, carrying or transporting pistol; license; issuance; qualifications; signatures; execution; contents; disposition of copies; inapplicability of section; transfer of inherited pistols.* Sec. 2. (1) No person shall purchase, carry or transport a pistol without first having obtained a license therefor as prescribed herein, except that any person who brings a pistol into this state and who is either on leave from active duty with the armed forces of the United States or who has been discharged from such active duty shall obtain a license for the pistol within 5 days after his arrival into this state. The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, may issue licenses to purchase, carry or transport pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person unless he is 18 years of age or over, a citizen of the United States and has resided in this state 6 months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or confined therefor in this state or elsewhere during the 8-year period immediately preceding the date of such application or has been adjudged insane in this state or elsewhere unless he has been restored to sanity and so declared by court order. (2) Applications for such licenses shall be signed by the applicant under oath upon forms provided by the director of the department of state police, hereinafter referred to as the director. The foregoing of any matter on an application is a felony. Licenses to purchase, carry or transport pistols shall be executed in triplicate upon forms provided by the director and shall be signed by the licensing authority. Three copies of such license shall be delivered to the applicant by the licensing authority. Upon sale of the pistol the seller shall fill out the license forms describing the pistol sold, together with the date of sale, and sign his name in ink indicating that such pistol was sold to the licensee. The licensee shall also sign his name in ink indicating the purchase of such pistol from the seller. The seller may retain a copy of the license as a record of the sale of the pistol. The licensee shall return 2 copies of the license to the licensing authority within 10 days following the purchase of the pistol. One copy of such license shall be retained by the licensing authority as a permanent official record for a perod of 6 years and the other copy shall be forwarded by the licensing authority within 48 hours to the director. Such license shall be void unless used within 10 days after the date of its issue. This section does not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. This section does not prevent the transfer of ownership of pistols which are inherited if the license to purchase is approved by the chief of police, sheriff, or their authorized deputies, and signed by the administrator or administratrix of the estate or by the next of kin having authority to dispose of such property.

28.98. *Inapplicability of certain sections.* 12. Sections 2 and 9 do not apply to a duly authorized police or correctional agency of

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

the United States or of the state or any subdivision thereof, nor to the army, air force, navy or marine corps of the United States, nor to organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard, armed forces reserves or other duly authorized military organizations, or to members of the above agencies or organizations for weapons used for the purposes of or incidental to such agencies or organizations, nor to a person holding a license to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise by authorized agents of any person licensed to manufacture firearms.

28.419. *Definitions.* 222. "Pistol" as used in this chapter means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm. "Purchaser" means any person who receives a pistol from another by purchase, gift or loan. "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

28.420 *Selling pistols and firearms.* 223. (1) Any person who sells a pistol without complying with section 2 of Act No. 372 of the Public Laws of 1927, as amended, being section 28.422 of the Compiled Laws of 1948, shall be guilty of a misdemeanor.

(2) Any person who sells a firearm more than 30 inches in length to a person under 18 years of age shall be guilty of a misdemeanor.

28.421. *Selling, etc., machine guns, silencers, blackjacks, etc.; exceptions.* 224. Any person who shall manufacture, sell, offer for sale or possess any machine gun or firearm which shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb, or bomb shell, blackjack, slung shot, billy, metallic knuckles, sand club, sand bag, or bludgeon or any gas ejecting device, weapon, cartridge, container or contrivance designed or equipped for or capable of ejecting any gas which will either temporarily or permanently disable, incapacitate, injure or harm any person with whom it comes in contact, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years or by a fine of not more than $2,500.00. The provisions of this section shall not apply to any person manufacturing firearms, explosives or munitions of war by virtue of any contracts with any department of the government of the United States, or with any foreign government, state municipality or any subdivision thereof, or to any person duly licensed to manufacture, sell or possess any machine gun or gas ejecting device, weapon, cartridge, container or contrivance above mentioned.

28.426. *Pawnbrokers, second-hand dealers, junk dealers, accepting pistol, offering or displaying it for resale.* 229. Any pawnbroker who shall accept a pistol in pawn or any second-hand or junk dealer, as defined in Act No 350 of the Public Acts of 1917, who shall accept a pistol and offer or display the same for resale, shall be guilty of a misdemeanor.

28.427. *Alteration of pistols; presumptive evidence of alteration.* 230. Any person who shall wilfully alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identity of any pistol, shall be guilty of a felony, punishable by imprisonment in the state prison not more than two [2] years or fine of not more than one thousand (1,000) dollars. Possession of any such firearm upon which the number shall have been altered, removed or obliterated, shall be presumptive evidence that such possessor has altered, removed or obliterated the same.

28.429(1). *Purchaser of pistol without license, false statement in application.* 232a. Any person who shall purchase a pistol without having obtained a license to purchase as provided in section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor. Any person who shall intentionally make a false statement in any application for a license to purchase a pistol, under section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor.

28.434. *Possession or use of fire-arm by person under influence of liquor or drug.* 237. Any person under the influence of intoxicating liquor or any exhilarating or stupeyfying drug who shall carry, have in possession or under control, or use in any manner or discharge any fire-arm within this state, shall be guilty of a misdemeanor.

28.559(1). *Explosives; furnishing to minor.* 327a. Any person who sells or furnishes to any minor under the age of 18, without first having procured the written consent of the parent or guardian of the minor, any bulk gunpowder, dynamite, blasting caps or nitroglycerin is guilty of a misdemeanor.

MICH. COMP. LAWS ANN. TITLE 3

3.4(1). *Governor's power to declare emergency, designate area involved; power to regulate traffic and transportation, public and private; places of assembly; alcoholic beverages; firearms, other dangerous weapons, ammunition; explosives, inflammable materials.* 1. During times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the state, or reasonable apprehension of immediate danger thereof, when public safety is imperiled, either upon application of the mayor of a city, sheriff of a county, the commissioner of the Michigan state police, or upon his own volition, the governor may proclaim a state of emergency and designate the area involved. Following such proclamation or declaration, the governor may promulgate such reasonable orders, rules and regulations as he deems necessary to protect life and property, or to bring the emergency situation within the affected area under control. Without limiting the scope of the same, said orders, rules and regulations may provide for the control of traffic, including public and private transportation, within the area or any section thereof; designation of specific zones within the area in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated; control of places of amusement and assembly, and of persons on public streets and thoroughfares; establishment of a curfew; control of the sale, transportation and use of alcoholic beverages and liquors; control of the possession, sale, carrying and use of firearms, other dangerous weapons, and ammunition; and control of the storage, use, and transportation of explosives or inflammable materials or liquids deemed to be dangerous to public safety. Such orders, rules and regulations shall be effective from the date and in the manner prescribed in such orders, rules and regulations and shall be made public as provided therein. Such orders, rules and regulations may be amended, modified, or rescinded, in like manner, from time to time by the governor during the pendency of the emergency, but shall cease to be in effect upon declaration by the governor that the emergency no longer exists.

4.127(1). *Residents purchasing firearms in contiguous states.* Section 1. Residents of this state may purchase rifles and shotguns in any state contiguous thereto if they conform to the federal gun control act of 1968 and the regulations issued thereunder, as administered by the secretary of the treasury and the laws of the state where the purchase is made.

Allen Park

8–137. (d) *It shall be unlawful for any person* under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.*

Belding

12.11 *Dangerous weapons.* No person shall possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as blackjack, slingshot, sand club, sandbag, switch-blade knife, or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Bloomfield Hills

6.01. *It shall be unlawful* for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place.

7.01. It stall be unlawful for any person to sell a firearm to any person under 18 years of age.*

Buchanan

11.4. *Dangerous weapons.* No person shall possess any machine gun, sawed off shot gun, or any instrument or weapon of the kind commonly known as blackjack, sling shot, sand club, sandbag, switchblade knife, or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Center Line

8–108. *Dangerous weapons; possession prohibited, exceptions.* (a) No person shall within the city possess any machine gun, sawed off shotgun, revolver, pistol, gun or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Dearborn Heights

9.215. *Sale or purchase.* It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.*

Detroit

66–1–1. *"Firearm" defined.* The word "firearm," as used in this article, shall be construed to include any shot gun, rifle or other device of a similar character, except pistols.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

66–1–2. *Permit required to purchase pistols.* No person shall purchase a pistol without first having obtained a permit to do so from the commissioner of police. No person or agent thereof shall sell or deliver a pistol to any person unless such person has obtained a permit therefor from the commissioner of police, which permit shall be given to the person making such sale or delivery and must be kept by him.

66–4–1. The word "Firearm," except as otherwise specifically defined in this Code, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

66–4–4. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.*

Ecorse

3–4.2 *Unregistered firearms—sale or purchase of firearms.* Any person who shall own or possess any pistol, weapon or device without the same being registered as required by Section 9 of Act 272 of the Public Acts of the State of Michigan for the year 1927, as amended; and also any person who shall purchase or sell a pistol, weapon or device without license as required by Act 272 of the Public Acts of the State of Michigan for 1927, as amended, shall be guilty of a misdemeanor and shall be punished as provided in Article I, Chapter I of this Code.

Escanaba

130.11 (D) *Dangerous weapons.* No person shall possess any machine gun, sawed off shot gun, or any instrument or weapon of the kind commonly known as blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

7–116. *Possessing dangerous weapons.* (a) No person shall, within the city, possess any machine gun, sawed-off shotgun, any instrument or weapon of the kind commonly known as a black-jack, sling shot, sand club, sand bag, or switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or lessened or muffled, except as is otherwise permitted by law.

Flushing

7–117. *Weapons.* No person in the city shall: 5. "Sales to Intoxicated Persons or Minors." Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.*

Gladstone

504.06. *Possession of Weapons.* No child under the age of 18 years shall be allowed to have in his possession or control, or use, any air guns, sling shots, shot guns, rifles or other dangerous weapons within the City.

504.07. *Sale to Minors of Weapons.* No person shall sell, furnish, or give to or permit any child under the age of 18 years to have in his possession or use any air rifle, sling shot, shot gun, rifle or other dangerous weapon within the City.*

Grand Haven

8–209. *Dangerous weapons; possession prohibited.* No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Grosse Pointe Farms

24. *Firearms, sale to minors.* It shall be unlawful for any person under eighteen (18) years of age to purchase any firearm. It shall be unlawful for any person under the age of eighteen (18) years to transport a firearm on any public street or in any public place unless such person be accompanied by a parent or guardian and such transportation be to or from a duly constituted target range, or location for hunting if such person has in his possession a valid Hunting License issued by State authority.

Hazel Park

15. *Dangerous weapons; possession prohibited.* (a) No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a black-jack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or applicance for causing the fliring of any firearm to ance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Highland Park

4. It shall be unlawful for any person to sell, give, furnish or deliver to any person or persons, any pistol, revolver or other small firearm, without first receiving from said person or persons a written permit in accordance with the laws of the State of Michigan. Such permits shall be preserved and filed in accordance with the laws of the State of Michigan.

Keego Harbor

4–4. *Offenses Against Public Safety.* No person in the city shall: (1) Weapons—(e) "Sales to Intoxicated Persons and Minors." Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

Lake Orion

9. *Sales to minors.* It shall be unlawful for any person, firm or corporation to sell, offer to sale, give away or distribute any firearm, sling shot, air gun, air rifle, air pistol or other like weapon to any person in the Village of Lake Orion who is under the age of twenty-one years.

Lapeer

19.09. *Firearms.* (d) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse, or caps, gunpowder, or any other explosive substance.*

Lincoln Park

D. *It shall be unlawful* for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.*

Marshall

20.02. *Firearms.* (b) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse or caps, gunpowder, or any other explosive substance.*

(c) Any person selling, loaning or keeping firearms within the City of Marshall shall comply with all the laws of the State of Michigan governing the use, sale, registration, storage, carrying, keeping and any other provisions concerning firearms.

(d) The word "firearm" includes any instrument whereby any projectile is shot or discharged by means of powder, compressed air, springs, or other means.

Oak Park

30.108. *It shall be unlawful* for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years.*

Pontiac

2. Following such proclamation as set forth in Section 1 of this ordinance, the Mayor or other proclaiming authority as set forth in Section 1, may promulgate such reasonable orders, rules and regulations as he or they deem to be necessary to protect life and property and to maintain law and order, and preserve the public health, safety, and welfare, or to bring the emergency situation within the affected area or areas under control, or to provide safeguards against threatened encroachment upon the public health, safety, welfare and preservation and maintenance of law and order. Said orders, rules and regulations may provide for the control of traffic of all types, designation of specific zones within the area or areas in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated, control of places of amusement and assembly, and control of persons on public streets and thoroughfares, establishment of a curfew, control of the sale, transportation, dispensing and use of alcoholic beverages and liquors, of every form and type, and control of the sale, carrying, possession, storing and use of firearms or other dangerous weapons, ammunition, explosives and inflammable materials or liquids, deemed to be dangerous to the public safety.

3. Said orders, rules, regulations and proclamations, referred to or provided for in this ordinance, shall be effective from the date, time, and in the manner therein prescribed and shall be made public by announcement through any news media of general publication or general broadcasting in the Pontiac area, and if no such media is publishing or broadcasting at the time of the proclamation or is unable for any reason to disseminate said announcement, then said orders, rules, proclamations and regulations shall be made public by posting the text thereof in three conspicuous public places within the City. Such orders, rules, proclamations and regulations may be amended, modified or rescinded in like manner from

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

time to time by the Mayor, or other issuing authority as provided for in Section 1 of this ordinance, during the pendency of the emergency, but shall cease to be in effect upon declaration by the Mayor, or said issuing authority, that the emergency no longer exists.

Port Huron

9.117. *Weapons prohibited.* It shall be unlawful for the parent or guardian of any minor child under the age of 18 years to wilfully permit such minor child under the age of 18 years to use or have in his or her possession any pistol, rifle, shotgun, spring gun, air gun, sling-shot, bow and arrow, or other weapon capable of or designed to discharge any shot, pellet or missile likely to inflict bodily injury, except and unless such minor child under the age of 18 years shall be, at the time of his or her use or possession of any gun or weapon herein described, under the direct supervision or control of his or her parent or guardian or some other adult person.*

Royal Oak

276.1. (c) *It shall be unlawful* for any person, firm or corporation to sell, offer for sale, give away or distribute any firearm, slingshot, airgun, or other light weapon to any minor in the City of Royal Oak, who is under the age of sixteen years.*

Saginaw

807 *Failure to complete and return license to purchase pistol.* 807.1 It shall be unlawful for the purchaser or any pistol to be or remain in possession thereof if the completed license to purchase the same shall not have been returned to the licensing authority within ten (10) days of the purchase of the pistol, as required by law.

Southfield

9.129 *Dangerous weapons: possession prohibited, exceptions* (1) No person shall within the City possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as black-jack, sand club, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Sterling Heights

7. (1) No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Three Rivers

79-1. The City of Three Rivers ordains, That it shall not be lawful for any person directly or indirectly, himself or by his clerk, agent or employe, to sell, keep for sale, give away, furnish or use, within the limits of the City of Three Rivers, any firecracker, blank cartridge, toy pistol, dynamite or any other explosive or any cap or other device containing any explosive; Provided, however, That this provision shall not apply to the sale of gun powder or gun or revolver ammunition in the regular course of trade nor to the sale of dynamite that is to be used for a necessary purpose.

Trenton

9.171. *Dangerous weapon.* (1) No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sand bag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Troy

9.79. *Regulation, control of the possession and transportation of firearms within the city.* (3) It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.*

Warren

8-210. *Dangerous weapons.* (1) No person shall possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, except as is otherwise permitted by law.

Waterford

61-IX. *Sales to Minors.* It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any firearm, sling shot, air gun, air rifle, air pistol or other like weapon to any person in the Township of Waterford who is under the age of twenty-one years.

61-X. *Unlawful act of parent or guardian.* It shall be unlawful for any parent, guardian or other person having custody or charge of any person under the age of twenty-one years to knowingly permit such minor to have in his possession or use any firearm, sling shot, air gun, air rifle, air pistol, or other weapons, as defined herein, except in a duly licensed shooting gallery or target range.

MINNESOTA

State Law

M.S.A. Public Health and Safety

609.02. *Definitions.* 1. "Crime" means conduct which is prohibited by a statute and for which the actor may be sentenced to imprisonment with or without a fine.

2. "Felony" means a crime for which a sentence of imprisonment for more than one year may be imposed.

3. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than $300 or both may be imposed.

4. "Gross misdemeanor" means any crime which is not a felony or misdemeanor.

4a. *Petty misdemeanor.* "Petty misdemeanor" means a petty offense which is prohibited by statute, which does not constitute a crime and for which a sentence of a fine of not more than $100 may be imposed.

5. "Conviction" means any of the following accepted and recorded by the court:

(1) A plea of guilty; or

(2) A verdict of guilty by a jury or a finding of guilty by the court.

6. "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

609.66. *Dangerous weapons.* 1. Acts prohibited. Whoever does any of the following is guilty of a misdemeanor.

(6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or

(7) Without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or

(8) In any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department or magistrate of such municipality.*

609.67. *Machine guns.* 1. "Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger.

2. Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $5,000, or both.

3. The following persons may own or possess a machine gun provided the provisions of subdivision 4 are complied with:

(1) Law enforcement officers for use in the course of their duties;

(2) Wardens of penal institutions and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties; and

(3) Persons possessing machine guns as war relics, museum pieces, or as objects of curiosity, ornament, or keepsake, and not useable as a weapon.

5. This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.

624.71. *Gun control, application of federal law.* 2. Notwithstanding any other law to the contrary, it shall be lawful for a resident of Minnesota to purchase firearms and ammunition in a contiguous state in any instance where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law 90-618).**

Appleton

6.06. *Weapons, sale to minors.* No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer of this village.*

6.07. *Minors not to use firearms.* No minor under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by his parent or guardian any firearm, air or gas rifle of any kind for hunting or target practice, or any other purpose. No parent or guardian shall knowingly permit any minor to violate this section.

Arden Hills

1. *Definitions.* Deadly weapons. The term "deadly weapons" as used herein shall in-

---

*Note.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

**Note.—Because of the restrictions in the Federal Gun Control Act of 1968 (Public Law 90-618) Minnesota residents are authorized to purchase only rifles and shotguns in contiguous states and not other types of firearms.

clude the following: (1) all firearms; (2) bows and arrows when the arrows are pointed or tipped; (3) all instruments used to expell at high velocity any pellets of any kind, including, but not limited to, BB guns and air rifles; (4) sling shots; (5) metal knuckles; and (6) switchblade knives, being knives with retractable blades.

4. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian is hereby prohibited.

5. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.*

Blaine

101. *Weapons* .01. The term "deadly weapons" as used herein shall include the following: (1) All firearms; (2) Bows and arrows when arrows are point tipped; (3) All instruments used to expel at high velocity any pellets of any kind, including, but not limited to B–B guns and air rifles; (4) Sling shots; (5) Sand clubs; (6) Metal knuckles; and (7) Daggers, dirks and knives.

101.02 (1) Whoever does any of the following is guilty of a misdemeanor: * * *

6. Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or * * *

101.03. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.*

101.04. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Bloomington

203. *Providing firearms to minors.* 01. *Restriction.* Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate shall be guilty of a misdemeanor.*

Brooklyn Center

19–402. *Dangerous weapons.* 1. "Dangerous weapon" means any firearm, airgun or pellet gun, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

2. Section 609.66 of the Minnesota Criminal Code (West 1963) Laws of 1963, Chapter 753 is hereby adopted by reference and shall have the same force and effect as though set out at length herein.

Buhl

510:02. *Deadly weapons.* It shall be unlawful in the Village of Buhl for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell, keep for sale, offer or dispose of any instrument or weapon of the kind usually known as a slingshot, sand club, metallic knuckles, dirk, dagger, sword, pistol, revolver, air gun, stiletto, pocket bill, sand bag, skull cracker, razor or other offensive and dangerous weapon or instrument, or to give or sell any pistol or fire-arm to a person under the age of eighteen years, without the written consent of a magistrate or the mayor of the said village or the chief of police or marshal of said village.*

Coon Rapids

7–1000. *Weapons.* 7–1001. The term "deadly weapons" as used herein shall include the following:

(1) All firearms;

(2) Bows and arrows when arrows are pointed tipped;

(3) All instruments used to expel at high velocity any pellets of any kind, including, but not limited to B-B guns and air rifles;

(4) Sling shots;

(5) Sand clubs;

(6) Metal knuckles; and

(7) Daggers, dirks, and knives.

7–1002. *Subdivision 1.* Whoever does any of the following is guilty of a misdemeanor: (6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; * * *.

7–1003. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.*

7–1004. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Cottage Grove

27–13. *Furnishing to minors.* No person, within the limits of the village, shall: * * * (b) Furnish a minor under eighteen years of age with a firearm, airgun, ammunition or explosive without the written consent of his parent, guardian, the police department or magistrate of this village.*

27–14. *Silencers.* No person, within the limits of the village, shall sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

Crystal

1. *Definitions.* 1.02. Specific terms: The following terms have the following meanings:

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Military type weapon" shall mean any firearm such as bazookas, machine guns, mortars, grenades, molotov cocktails and similar weapons.

(c) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass by means of explosives or gas.

(d) "Hand gun" shall mean any firearm having a barrel of less than twelve inches in length.

2. *Prohibitions relating to military type weapons.* 2.01. No person within the corporate limits of the City of Crystal shall own, keep, carry or have possession of any military type weapon as defined in this ordinance.

Deephaven

8. *Minors not to use fire arms.* No minor under the age of 18 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent, guardian or competent supervision, any fire arms, air guns, sling shots, bows and arrows, ammunition or other weapons of any kind for hunting or target practice or any other purpose.

27. *Sale of firearms to minor.* No person, firm or corporation shall sell, offer for sale, or give away, or in anywise furnish any firearms or ammunition to a minor under the age of 18 years, without the written consent of such minor's parents or guardian or of a peace officer or magistrate.*

Duluth

49–6. *Possession, use, etc., of firearm silencers prohibited.* No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

49–8. *Possession of firearms by minors.* No minor under the age of eighteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose

49–15. *License—required.* No person shall engage in the business of selling or renting guns, pistols or other firearms without first having obtained a license to do so.

49–20. *Sales and rentals to minors.* No person shall sell, rent, give, loan or in anywise furnish any firearm, air gun or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a police officer or magistrate of the city.*

Eagan

9.01—*Definitions.* 5.—*Assault weapons* shall mean any weapon other than firearms having personal assault characteristics including, but not limited to dagger, switchblade knife, stilletto, dirk, spring blade knife, push-button knife, blackjack, sand club, pipe club, chain club, brass knuckles, molotov cocktails, grenades and explosive devices.

9.02—*Prohibition.* 3.—*Persons prohibited.* It shall be unlawful for any person within the Town of Egan to own, possess, carry or have in his custody or control any firearms or ammunition unless such person:

A. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate or if under 18 years of age is accompanied by his parent or guardian or by an adult who has written permission from the minor's parent or guardian.

B. Shall not within the previous five years have been: 1. Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction, or a violation of this Ordinance or any other law relating to weapons. 2. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug, or alcoholic condition.

4.—*Possession and transporting of assault weapons.* It shall be unlawful for any person within the Town of Eagan to carry on his person or to transport by any means any assault weapon for any purpose whatever except by law enforcement officers or military personnel in the course of their duties.

Ely

410:02. *Deadly weapons.* No person shall manufacture or cause to be manufac-

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

tured, sell, keep for sale, offer, or dispose of, any instrument or weapon of the kind usually known as sling shot, sand club, or metal knuckles; or without the written consent of a magistrate, shall sell or give any pistol or firearm to a person under the age of eighteen years.*

Fairmont

6.20. *Dangerous weapons and articles.* 1. Acts prohibited. It is unlawful for any person to: * * * F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; * * *

(G) Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.*

Farmington

6-1-15. *Dangerous weapons:* It shall be unlawful for any person to do any of the following: * * * (G) Sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

(H) Without the parent's or guardian's consent, furnish a child under fourteen (14) years of age, or as a parent or guardian permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; (I) Furnish a minor under eighteen (18) years of age with a firearm, airgun, ammunition or explosive without the written consent of his parent or guardian or of the Police Department of the Village.*

Golden Valley

525:00. *Definitions.* 1. *general terms.* Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

2. *Specific terms.* The following terms shall have the following meanings: (a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet through a barrel by means of explosives, excluding any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial ammunition and any antique firearm.

(c) "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

(d) "Hand gun" shall mean any firearm designed to be fired from the hand.

(e) "Secured container" shall mean a case or container completely closed by being zipped, snapped, buckled, tied or otherwise securely fastened with no portion of the firearm exposed.

(g) "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

(h) "Antique firearm" shall mean: (i) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (ii) any replica, or any firearm described in part (i) of this subparagraph if such replica is not designed or redesigned for using rim fire or conventional center fire fixed ammunition, or uses rim fire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

525:10. *Persons prohibited.* 1. It shall be unlawful for any persons within the corporate limits of the Village of Golden Valley to own, possess, carry or have in his custody or control any firearm unless such person shall not within the previous five years have been:

(a) Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction.

(b) Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcoholic condition, unless such person so committed shall have been issued a permit, currently in force, pursuant to Section 525:06 (5). 2. It shall be unlawful for any person to be in possession of, carry or transport any firearm while under the influence of alcohol, or hallucinatory chemical, or narcotics, or other drugs.

525:02 *Sales, gift or delivery of firearms.* It shall be unlawful for any person within the Village of Golden Valley to sell, give, or deliver any firearm to any other person if such other person is prohibited by the terms of Section 525:01 from owning, possessing, carrying, or having in his custody or control a firearm and if said seller, giver or deliver known or had reasonable cause to believe such person was so prohibited.

525:04. *Report of sale, gift, or delivery of hand guns.* Every person within the corporate limits of the Village of Golden Valley who agrees to sell, deliver or give to any person a hand gun as defined in this ordinance shall within five (5) days after such agreement to sell, deliver or give, make and file with the Village Clerk a legible written report. * * *. No person who intends to sell, deliver or give to any person a hand gun as defined in this ordinance shall deliver actual possession to the person to receive the hand gun until a copy of the report required by this section containing the certification of the Golden Valley Public Safety Director, or his designee, that said sale, delivery or gift may be made, is returned to the person who intends to sell, deliver or give away said hand gun, or until three (3) days (excluding Saturday, Sunday and holidays) after making and filing with the Village Clerk the required report of sale, whichever comes first.

None of the provisions of this section 525.04 shall apply to gifts of hand guns between husband and wife, or parent and child, but all other gifts of hand guns must comply with the requirements hereof.

Granite Falls

6.06. *Weapons, sale to minors.* No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to any minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate of this city.*

Hastings

9.20. *Dangerous weapons and articles.* 1. *Acts prohibited.* It is unlawful for any person to: F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.*

Hibbing

Firearms, sale and possession. 7-14.1. It shall be unlawful in the Village of Hibbing for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell, keep for sale, offer or dispose of any instrument or weapon of the kind usually known as a slingshot, sand club, metallic knuckles, dirk, dagger, sword, pistol, revolver, air gun, stiletto, pocket billy, sand bag, skull cracker, razor or other offensive and dangerous weapon or instrument, or to give or sell any pistol or fire-arm to a person under age of eighteen (18) years, without the written consent of a magistrate or the president of the said village or the chief of police or marshal of said village * * *.*

Hopkins

4. *Sale of firearms to minors.* Every person who shall sell, give away, or in any wise furnish any firearms or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate, shall be guilty of a misdemeanor.*

6. *Minors not to use firearms.* No minor under the age of fourteen years shall handle, or have in his possession or under his control except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind for hunting or target practice or any other purpose. Every person violating any of the foregoing provisions or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Hoyt Lakes

2. *Use of fire arms by minors.* No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under immediate charge of his parent or guardian, any fire arm or air gun of any kind for hunting or target practice or for any other purpose. Every person violating the foregoing provision or aiding or knowingly permitting any such minor to violate the same shall be guilty of a misdemeanor.

International Falls

1. No person within the limits of the City of International Falls shall manufacture or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument, or weapon of the kind usually known as a dirk, dagger, sword, pistol, stiletto, metallic knuckles, pocket billie, sand bag, skull cracker, sling shot, or other offensive and dangerous weapons or instruments, or without the written consent of the Mayor shall sell or give any revolver or firearm of any description to a person under the age of eighteen years.*

Lauderdale

2. *Specific terms.* The following terms shall have the following meanings. (a) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(b) "Handgun" shall mean any firearm

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

having a barrel of less than twelve inches in length and capable of being concealed on the person.

(c) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

(d) "Assault weapon" shall mean any weapon other than a firearm or military type weapon having the designed personal assault characteristics of any dagger, dirk, stiletto, switchblade knife, spring blade knife, push button knife, blackjack, sandclub, pipe club, chain club, or metal knuckles.

(e) "Ammunition" shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

(f) "Secured container" shall mean a locked case legibly marked "firearms" having no mechanical features designed for immediate weapons removal or use and containing no other nonrelated objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle, or ties.

2. *Persons prohibited from possessing firearms.* (1) No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the Village of Lauderdale except when he is accompanied by his parent or legal guardian, while participating under adult supervision as a member of a registered target shooting or sportsmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

(2) No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the Village of Lauderdale who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

4. *Weapons prohibited.* No person shall own, keep, carry, or have in his possession anywhere in the Village of Lauderdale any military type weapons, or any assault weapon, or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collectors' items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

6. *License required to sell firearms.* No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Lauderdale without first obtaining a license to do so from the Village Council. The fee for such license shall be $10.00, payable annually to the Village Council and Village Clerk. Upon application for issuance or renewal of license the licensee shall provide to the Village Clerk his name, address, and location of his business. Such license may be revoked by the Council for violation of any ordinance or law related to the conduct of the business.

7. *Permits and registrations.* Permits and registrations required hereunder shall be accomplished in the following manner: (1) Any organization may register as a target shooting or sportsman's club by filing a statement with the Chief of Police setting forth the names and addresses of the officers of said club, which shall be kept current by the club as the officers shall change from time to time. There shall be no fee for such registration, which may be revoked at any time by the Council for any violation of laws or ordinances relating to firearms.

(2) Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type of assault weapon as a collectors' item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. Such application shall set forth the applicant's full name, address and citizenship, the date of acquisition of the weapon and the source of acquisition, the caliber, make, model and manufacturer's number of the weapon and the use to which the weapon is to be put. The Chief shall issue such permit, without fee, if he concludes the applicant is of good moral character and intends to use the weapon for a lawful purpose.

Mahtomedi

4. No minor under the age of 18 years shall within the Village of Mahtomedi, handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any fire-arm of any kind whatever, or ammunition of any kind for use therein, or any sling-shot, sling, air-gun, spring gun, or the like; nor shall any such minor within the corporate limits of said village fire or discharge any such fire-arm, sling, sling-shot, air gun, spring gun or the like, whether accompanied by his parent or guardian or otherwise; nor shall any person fire or discharge any gun, pistol or other fire weapon within said village limits.

Mankato

9.30. *Dangerous weapons and articles.* 1. Acts Prohibited. It is unlawful for any person to: * * * F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or G. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parents or guardian or of the Police Department.*

Maplewood

1210.010. *Permit.* No person shall purchase, receive or accept a revolver or pistol within the Village of Maplewood without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

1210.020. *Sale without permit prohibited.* No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of Maplewood to any person who is not the holder of a written permit from the Police Chief of Maplewood, authorizing him to purchase, receive or accept such revolver or pistol, and in no case shall any person, firm or corporation deliver a pistol or revolver to the person to whom it is sold, or to be transferred unless such sale or transfer is made pursuant to approval of the Chief of Police in the manner hereinafter provided.

1210.030. *Restrictions of permit.* The Chief of Police shall upon application, issue a written permit to purchase a revolver or pistol within the Village of Maplewood to any citizen of the United States who is of good moral character and has never been convicted of a felony, if it appears that such person has a reasonable and lawful purpose in mind for the purchase of such pistol or revolver and that the same will be used only for a lawful purpose. Such permit issued by the Chief of Police shall be valid for a period of five (5) days from its date of issuance.

1210.040. *Transfer of permit.* Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement containing his full name, address and nationality, the date of the sale or transfer, the caliber, make, model and manufacturer's serial number of the weapon. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement and such seller shall indorse upon such statement his signature. This copy of the statement shall be indorsed by the Chief of Police and retained for his permanent records. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

1210.050. *Terms.* The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

Mendota Heights

5. *Possession of Weapons by Minors.* No minor under the age of eighteen years shall, within the corporate limits of the Village of Mendota Heights, handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any fire-arm of any kind whatsoever, or ammunition of any kind for use therein, or any sling-shot, sling, air-gun, bow and arrow, spring-gun, or the like; nor shall any such minor, within the corporate limits of the Village, fire or discharge any such fire-arm, sling, slingshot, bow and arrow, spring-gun or the like, whether accompanied by his parent or guardian, or otherwise.

Section 6. Sale to minors. No person, firm, or corporation shall, within the corporate limits of the Village of Mendota Heights, give, sell, or otherwise furnish any firearms or air-guns of any kind, or any ammunition of any kind for use therein, to any minor under age of eighteen years, without the written consent of the parent or guardian of the said minor. Said permission shall be preserved by the person furnishing such arms or ammuntion, and shall be open to inspection at all reasonable times by all members of the Police Department, the Sheriff or his deputies, or the Judges of any court of record in this State.*

Section 9. Definitions.

B. Specific terms. The following terms shall have the following meanings:

(1) *Firearm.* Shall mean any weapon from which is propelled any missile, projectile, bullet, or other means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

(2) *Handgun.* Shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(3) *Military type weapon.* Shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

(4) *Assault weapon.* Shall mean any weapon other than a firearm or military type weapon having the designed personal assault characteristics of any dagger, dirk, stiletto, switchblade knife, spring blade knife, push button knife, blackjack, and sand-club, chain club, or metal knuckles.

(5) *Ammunition.* Shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

(6) *Secured container.* Shall mean a locked case legibly marked "firearm" having no mechanical features designed for immediate weapons removal or use and containing no other non-related objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle or ties.

12. *Sale, gift, or delivery of firearms.* A. No person shall purchase, receive or accept a handgun within the Village of Mendota Heights without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun.

The Chief of Police shall, upon application, issue a written permit to purchase or receive a handgun within the Village of Mendota Heights to any citizen of the United States who is of good moral character and has never been convicted of a felony, if it appears that such person has good cause to fear an injury to his person or property, or that such handgun is to be used for a lawful purpose. Such permit shall be valid for a period of five days from its date.

D. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of Police as provided in Paragraph (B) hereinabove. The person making such sale, loan, gift, or delivery shall, within five days thereafter, mail or deliver said permit to the Chief of Police.

E. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

F. Nothing contained in this section shall apply to sales at wholesale to dealers.

13. *License required to sell firearms.* No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Mendota Heights without first obtaining a license to do so from the Village Council.

Minneapolis

877.010. *Definitions.*

2. *Specific terms.* The following terms shall have the following meanings:

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and "BB" guns.

(c) "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

(d) "Hand gun" shall mean any firearm designed to be fired from the hand.

(e) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristic of weapons such as cannons having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers included in definitions (c) and (d) above. Destructive devices which are not firearms and ammunition for any military type weapon which is inert and not readily restorable, both mechanically and by intent, shall be exempted from the provisions of this ordinance.

(f) "Assault weapon" shall mean any weapons other than firearms or military type weapons having the designed personal assault characteristics of any dagger, dirk, stiletto, switchblade knife, spring blade knife, push button knife, blackjack, sand-club, pipe club, chain club, or metal knuckles.

(g) "Ammunition" shall mean any complete round prepared for insertion in and propulsion from any firearm.

(j) "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

877.020. *Persons prohibited.* It shall be unlawful for any person within the corporate limits of the City of Minneapolis to own, possess, carry, or have in his custody or control any firearms or ammunition unless such person:

1. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate.

2. Shall not within the previous five years have been:

(a) Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction; or a violation of this ordinance or any other law relating to weapons.

(b) Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcoholic condition.

It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol, or hallucinatory chemical, or narcotics, or other drugs.

877.040. *Weapons prohibited.* It shall be unlawful for any person within the City of Minneapolis to own, keep, carry or have in his custody or control any of the following:

1. Military type or assault weapons, unless the person in possession of such weapon has in his possession the permit provided in Section 877.080.

2. Any firearm or ammunition which the transferee knows or has reasonable cause to believe has been stolen or transferred in violation of this ordinance.

The provisions of this section shall not apply to law enforcement or military personnel while engaged in the course of their duties.

877.050. *Sales, gift or delivery of weapons and ammunition.* It shall be unlawful for any person within the City of Minneapolis to sell, give, or deliver to any person:

1. Any weapon prohibited under Section 877.040, unless the weapon to be received is a military type weapon or assault weapon and the person to receive the weapon has secured the permit provided in Section 877.080.

2. Any firearm or ammunition for such firearm if such person is:

(a) Under the age of 18 years if the firearm is a long gun or under the age of 21 years if the firearm is a hand gun, except for legitimate firearm activities set forth in Section 877.030(4) or unless the recipient shall qualify under Section 877.020(1).

(b) Under the influence of alcohol, hallucinatory chemicals, narcotics or other drugs.

(c) Prohibited from ownership, possession, custody, or control of firearms under Section 877.020, and seller or giver knew or had reasonable cause to believe such person was prohibited.

877.070. *Report of sale, gift, or delivery of handguns.* Every person within the corporate limits of the City of Minneapolis who agrees to sell, deliver or give to any person a handgun as defined in this ordinance shall within five (5) days after such agreement to sell, deliver or give, make and file with the City Clerk a legible written report, * * *.

The City Clerk shall provide the reporting forms on which such reports shall be made, and shall make such forms freely available to licensed gun dealers. Persons not licensed dealers may secure such reporting forms from the City Clerk or any licensed gun dealer.

No person who intends to sell, deliver or give to any person a handgun as defined in this ordinance shall deliver actual possession to the person to receive the handgun until three (3) days excluding Saturday, Sunday, and holidays, after making and filing with the City Clerk the required Report of Sale.

877.080. *Permit for military type and assault weapons.* The owner or purchaser of a military type or assault weapon may be issued a permit by the City Clerk for possession either as a collector's item or as a military type weapon used in officially recognized competition, or assault weapon, provided such person is not prohibited from owning or possessing firearms under this ordinance.

Montevideo

5-1-32: *Firearms; minors:* No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian any person, firm or corporation deliver a practice or any other purpose. No parent or guardian shall knowingly permit any minor to violate this Section.

5-1-71: *Weapons; sale to minors:* No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to a minor under the age of eighteen (18) years without the written consent of his parents or guardian, or of a police officer or magistrate of the City.*

Mound

51.30. *Minors—Firearms.* No person, or persons, shall hereafter within the Village of Mound, sell, give, loan or in anywise furnish any firearm, air gun, ammunition or dynamite to a minor under the age of 18 years without the written consent of his parents or guardian or of a police or magistrate of the village, nor sell, give, loan or in anywise furnish any fireworks to any person.*

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

North St. Paul

101.010. *Permit.* No person shall purchase, receive or accept a revolver or pistol within the Village of North St. Paul without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

101.020. *Sale without permit prohibited.* No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of North St. Paul to any person who is not the holder of a written permit from the Police Chief of North St. Paul, authorizing him to purchase, receive or accept such revolver or pistol, and in no case shall any firearm of any kind for hunting or target pistol or revolver to the person to whom it is sold, or to be transferred unless such sale or transfer is made pursuant to approval of the Chief of Police in the manner hereinafter provided.

101.030. *Restrictions of permit.* The Chief of Police shall upon application, issue a written permit to purchase a revolver or pistol within the Village of North St. Paul to any citizen of the United States who is of good moral character and has never been convicted of a felony, if it appears that such person has a reasonable and lawful purpose in mind for the purchase of such pistol or revolver and that the same will be used only for a lawful purpose. Such permit issued by the Chief of Police shall be valid for a period of five (5) days from its date of issuance.

101.040. *Transfer of permit.* Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement containing his full name and address, the date of the sale or transfer, the caliber, make, model and manufacturer's serial number of the weapon. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement and such seller shall indorse upon such statement his signature. This copy of the statement shall be indorsed by the Chief of Police and retained for his permanent records. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

101.050. *Terms.* The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

101.060. *Wholesale to dealers does not apply.* Nothing contained herein shall apply to the sales at wholesale to dealers.

Plymouth

1.14. *Dangerous articles.* (b) It shall be unlawful to sell, give, loan, or in anywise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate.*

Richfield

5.29. *Firearms.* 1. *Definitions.* The following terms have the meanings ascribed to them in this section: (1) "Crime of violence" means murder, manslaughter, rape, mayhem, kidnapping, burglary, housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

(2) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases.

(3) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

(4) "Manufacturer or dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans within the city.

(5) "Pistol" means any firearm with a barrel less than 12 inches in length.

(6) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof by the use of force, violence, military measures or threats of one or more of the foregoing.

2. *License required.* It is unlawful for any manufacturer or dealer to sell at wholesale or retail, to lease or to pledge or accept as security for a loan, any firearm without first having procured a license.

9. *Unlawful disposition of firearms.* It is unlawful for any dealer to sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, is a fugitive from justice, is of unsound mind, is a drug addict or a habitual drunkard, or who is a member of a subversive organization.

Rochester

1. *Dangerous weapons.* No person shall: * * * (5) possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against some other person; or (6) sell or have in his possession any device designed to silence or muffle the discharge of any firearm; or (7) without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or (8) furnish to any minor under 18 years of age any firearm, airgun, ammunition or explosive without the written consent of the parent or guardian, or of the police department.*

Roseville

160.090. *Sale to minors under 18.* No person shall give, sell or otherwise furnish any firearms or air guns of any kind, or any ammunition of any kind for use therein, to any minor under the age of 18 years without the written consent of the parent or guardian of said minor. Said permission shall be preserved by the person furnishing such arms or ammunition, and shall be open to inspection at all reasonable time by all law enforcement officers or the Judges of any court of record in the State.*

161.010. *Registration required.* No person shall purchase, sell, trade, own or have in his possession any revolver or hand gun without registering the same with the Chief of Police.

Shakopee

V. *Silencers prohibited.* No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

VII. *Possession of firearms by minors.* No minor under the age of 14 years shall handle or have in his or her possession or under his or her control except while accompanied by and under the immediate charge of a parent or legal guardian, any firearm of any kind for hunting or target practice or any other purpose.

Shoreview

1211.101. *Definitions.* Weapon means any gun, pistol, revolver, slingshot, sand club, metal knuckles, daggers, dirk, bowie knife, razor, air rifle, air gun, B-B gun, spring gun, bow and arrow, switch blade, firearm or any similar device for the propulsion of shot or other metal pellet by whatever means, and any other dangerous or deadly weapon or instrument. Person means any person, firm, partnership or corporation.

1211.050. *License required.* No persons shall deal in or sell at retail or wholesale without a license, any gun, pistol, revolver, bow and arrow or knife.

1211.055. *Conditions of license.* Every license shall be granted subject to the following conditions and all other provisions of this and any other Chapter of the Shoreview Municipal Code or other Ordinance or State Law. (2) No weapon of any sort shall be sold or furnished to any person under twenty-one (21) years of age.

South St. Paul

808.01. *Firearms purchase restricted.* No person shall purchase, receive or accept a revolver, pistol, and other firearm having a barrel of 10 inches or less in length, without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such a firearm.

808.02 *Firearms sale restricted.* No person shall sell, deliver, or otherwise transfer a pistol, revolver, or other firearm having a barrel of 10 inches or less in length, within the City to any person who is not the holder of a written permit from the Chief of Police authorizing him to purchase, receive or accept such firearm.

808.03. *Firearm permit required.* Applications for permits to purchase, receive and accept any revolver, pistol, or other firearm having a barrel of 10 inches or less in length, shall be made to the Chief of Police upon blanks to be provided therefor and shall give the name of the applicant, his age, occupation, place of residence, height, weight, complexion, nationality, and such other information and elements of identification and good character as the Chief of Police may require. No person applying for such permit shall give false or untrue information, or offer false evidence of his identity. It shall be the duty of the Chief of Police to refuse such permits to all persons having been convicted of a felony, and to minors, drug addicts and such persons as he has reasonable cause to believe are not of sound mind. If the Chief of Police shall be satisfied, after investigation made that the applicant is a suitable person of sound mind and discretion and of good moral character, and that such firearm is to be used for a lawful purpose, he shall grant to the applicant a written permit authorizing him to purchase, receive or accept such firearm. The Chief of Police may at any time revoke any and all such permits so issued.

808.06. *Firearm identification marks.* No

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

person shall change, alter or obliterate the name of the make, model, manufacturer's number or other mark of identification, and no person shall keep in his possession or under his control any such firearm upon which the name of the make, model, manufacturer's number, or other mark of identification has been to his knowledge changed, altered, renewed or obliterated.

St. Louis Park

4:700. *Minors not to have firearms or switch blade knives.* No minor under the age of eighteen years shall handle, or have in his possession, or under his control, except while accompanied by, or under the immediate charge of, his parent or guardian, any firearm of any kind whether for hunting or target practice or any other purpose, nor any switch blade knife. No person shall knowingly permit any such minor to violate this section.

4:701. *Firearms for minors.* No person shall sell, give away, or in any wise furnish any firearms or ammunition or switch blade knife to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate.*

St. Paul

425.01. *Definitions.* 1. "General Terms." Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms. 2. "Specific Terms." The following terms shall have the following meanings.

(a) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(b) "Handgun" shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(c) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

(e) "Ammunition" shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

425.02. *Persons prohibited from possessing firearms.* (1) No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the City of St. Paul except when he is accompanied by his parent or legal guardian, while participating under supervision as a member of a registered target shooting or sportmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

(2) No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the City of St. Paul who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

425.04. *Weapons prohibited.* No person shall own, keep, carry, or have in his possession anywhere in the City of St. Paul any military type weapons, or any assault weapon, or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collectors' items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

425.06. *Sale, gift, or delivery of firearms.* 1. No person shall purchase, receive or accept a handgun within the City of St. Paul without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun.

2. Before the delivery of a handgun purchased or to be transferred, the purchaser or person to whom such handgun is to be delivered shall surrender his permit and shall sign in duplicate and deliver to the seller or transferrer a statement containing his full name, address and citizenship, the date of the sale or transfer, the caliber, make, model and manfacturer's number of the weapon. The seller or person intending to transfer such handgun shall immediately deliver to the Chief of Police one copy of such statement, and if it appears that the person to whom such weapon is sold or to be transferred has been permitted to purchase, accept or receive such handgun, the Chief of Police shall endorse upon such statement his approval of the purchase or transfer.

4. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of Police as provided in Subdivision 2. The person making such sale, loan, gift, or delivery shall, within five days thereafter, mail or deliver said permit to the Chief of Police.

5. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

425.07. *License required to sell firearms.* No person shall engage in the business of selling or dealing in firearms or ammunition in St. Paul without first obtaining a license to do so from the City Council.

St. Paul Park

d. *No minor* under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by or under the immediate charge of his parent or guardian, any firearm or air gun of any kind and use for hunting, target practice or any other purpose.

St. Peter

1. Whoever does any of the following shall be guilty of a misdemeanor:

(5) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm.

(7) Without the parent's or guardian's consent, furnishes to a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or handle ammunition or explosive.

(8) Furnishes a minor under 18 years of age with a firearm, air gun, ammunition, or explosive, without the written consent of his parent or guardian or of the city Police Department.*

2. Nothing in this section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

Two Harbors

(e) *Sales to intoxicated persons and minors.* No person within the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.*

Virginia

3. *Dangerous weapons.* It shall be unlawful for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell or keep for sale, offer or otherwise dispose of, any instrument or weapon of the kind usually known as sling-shot, sanuclub or metal knuckles, or to sell or give any pistol or firearm to a person under the age of eighteen years, without written permit of the Mayor of the City of Virginia; or to attempt to use against another or with intent so to use, to carry, conceal or possess any of the weapons hereinbefore specified, or any dagger, dirk, knife, pistol or other dangerous weapon.*

8. *Use of arms by minors.* No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any fire arm of any kind for hunting or target practice, or any other purpose and it shall be unlawful for any person or persons to aid or knowingly permit any such minor to have such fire arms in his possession while unaccompanied by or under the immediate charge of his parent or guardian.

Wabasha

2. *It shall be unlawful* for any person under the age of fourteen years to handle or have in his possession or under his control, within the City of Wabasha, any firearm of any kind, except while accompanied by, or under the immediate charge of his parent or guardian.

Waseca

8.20. *Dangerous weapons and articles.* Subd. 1. Acts prohibited. It is unlawful for any person to: F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.*

White Bear Lake

1303.050. *Dangerous weapons.* No minor under the age of 18 years shall handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein, or any slingshot, sling, air-gun, spring-gun, or the like; nor shall any such minor fire or discharge any such fire-arm, sling, slingshot, air-gun, spring-gun or the like, whether accompanied by his parent or guardian, or otherwise.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

No person shall give, sell, or otherwise furnish any firearms or air-guns of any kind, or any ammunition of any kind for use therein, to any minor under age of 18 years, without the written consent of the parent or guardian of the minor. Said permission shall be preserved by the person furnishing such arms or ammunition, and shall be open to inspection at all reasonable times by all members of the police department, the Sheriff or his deputies, or the judge of any court of record in the State.*

MISSISSIPPI

State Law

MISS. CODE ANN. 25

7015-31. *Explosives—Seller to keep records—When sale of explosives unlawful.* Every person who sells or otherwise disposes of dynamite, nitroglycerine, explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses, detonators or other similar explosives, shall keep an accurate record of the name of the purchaser, his address, quantity, and the general purpose of its intended use. It shall be unlawful to sell dynamite, nitroglycerine, explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses, detonators or other similar explosives unless the person making the sale knows the purchaser and the general purpose for which such explosive or its counterpart will be used.

7015-32. *Sales of explosives to be reported—Regulation by municipalities.* Every seller of dynamite, nitroglycerine, explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses, detonators or other similar explosives shall report any sale, transfer of title, or removal to the sheriff of the county where such transfer or removal took place within twenty-four (24) hours on forms to be provided. Should the sale, transfer of title or removal of explosives be within a municipality, then a report shall also be made within twenty-four (24) hours to the chief of police on forms to be provided. The governing authorities of municipalities shall have the power to adopt ordinances for the further regulation and control of dynamite, nitroglycerine and similar explosives.

MISS. CODE ANN. TITLE 33

33-7-307. *Authority to close establishments.* Whenever any part of the military forces of this state is on active duty pursuant to the order of the governor, the commanding officer may order the closing of any place where intoxicating liquors, arms, ammunition, dynamite or other explosives are sold, and forbid the sale, barter, loan or the giving away of these articles so long as any of the troops remain on duty in the vicinity where the place ordered closed may be located.

MISS. CODE ANN. TITLE 45

45-9-1. *Weapons to be registered; exceptions.* (1) Every person in this state who now owns or has in his possession, or who shall hereafter acquire any pistol or revolver, or any machine guns, sub-machine guns, and/or similar firearms or any other high power rifle with a velocity of more than 2,000 feet per second at the muzzle, shall be required to register such weapon in the manner and within the time hereinafter specified; provided, however, that the provisions of sections 45-9-1 to 45-9-17 shall not apply to any person, firm or corporation regularly engaged in the sale of such weapons in the usual course of business from an established and permanent place of business, except as herein provided; and provided, further, that the provisions of sections 45-9-1 to 45-9-17 shall not apply to any firearms manufactured prior to January 1, 1900, nor to any firearm manufactured since that date which is not capable of being discharged and which has been procured and has been kept by the owner thereof as a relic or historical specimen, nor to any firearms furnished to the organized militia of this state, or the armed forces of the United States for their use.

(2) Sections 45-9-1 to 45-9-17 shall not apply to collectors of firearms whose collection is registered with the National Rifle Association or other licensed national collectors firearms associations.

45-9-3. *Time and place of registration.* All registrations of weapons under the provisions of sections 45-9-1 to 45-9-17 shall be made with the sheriff of the county in which the person owning or possessing same resides, or if such person has no fixed residence within this state, then such weapon shall be registered with the sheriff of the county in which such weapon is usually kept or maintained. All such weapons now owned or possessed by any person or which may be hereafter acquired within eighty (80) days after the effective date hereof shall be registered with such sheriff within ninety (90) days after the effective date of sections 45-9-1 to 45-9-17, and thereafter all such weapons which shall be acquired, owned or possessed shall be registered with such sheriff within ten (10) days after the acquisition thereof by such person.

45-9-5. *Registration, procedure for.* All registrations of such weapons shall be made in duplicate, on forms to be provided by the board of supervisors of each county, which forms shall require the following information: (1) The name and address of the owner or person possessing such weapon; (2) The age, race, and sex of such person; (3) A fully detailed description of such weapon, giving the make, model and serial number; (4) The name and address of the person from whom such weapon was acquired or purchased; and (5) Where such weapon is usually kept. Such form shall be fully filled out by the person owning or possessing such weapon, and the completed form shall be filed, in duplicate, with the sheriff of the proper county. Both the original and duplicate of such forms shall be signed by the registrant and his signature shall be witnessed by two responsible persons, whose addresses shall be shown upon the registration form.

45-9-7. *Registration forms, how filed.* The original registration form so filed shall be retained by the sheriff in a safe and convenient file to be furnished him by the board of supervisors for that purpose. All such registrations shall be filed and arranged in alphabetical order and shall be open to the inspection of any person at any time during the regular hours of business.

45-9-17. *Transfer of firearms.* It will be necessary to register firearms under sections 45-9-1 to 45-9-17 only one time as long as said firearm remains in the possession of the person registering same, provided that when the registered firearm shall be sold or given away by the person registering same, then the person acquiring possession of such firearm shall register same as herein provided.

45-9-19. *Purchase of rifles and shotguns in contiguous states.* It is declared that it is in the public interest to authorize residents of this state to purchase or otherwise obtain rifles and shotguns in states contiguous to this state in compliance with such other laws of this state or its political subdivisions as may be applicable and in compliance with Section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 USC 921 et seq.

As used in this section, the term "a state contiguous to this state" shall mean any state with a border touching a border of this state. As used in this section, all other terms shall be given the meaning prescribed in 18 USC 921 (the Gun Control Act of 1968, Public Law 90-618) and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereinafter modified.

It shall be lawful for a person residing in this state (including a corporation or other business entity maintaining a place of business in this state) to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state and to receive or transport such rifle or shotgun into this state.

This section shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

MISS. CODE ANN. TITLE 97

97-37-1. *Deadly weapons—carrying deadly weapon and use of imitation firearm prohibited—penalties.* Any person who carries, concealed in whole or in part, any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, slingshot, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffler or silencer for any firearm, whether or not it is accompanied by a firearm, or uses or attempts to use against another person any imitation firearm, shall upon conviction be punished as follows:

(a) By a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or both, in the discretion of the court, for the first conviction under this section.

(b) By a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00), and imprisonment in the county jail for not less than thirty (30) days, nor more than six (6) months, for the second conviction under this section.

(c) By imprisonment in the state penitentiary for not less than one (1) year, nor more than five (5) years, for the third or more convictions under this section.

(d) By imprisonment in the state penitentiary for not less than one (1) year, nor more than five (5) years, for any person previously convicted of any felony, who is convicted under this section.

97-37-5. *Deadly weapons—possession by convicted felon as evidence of crime.* The possession of any deadly weapon as described in section 97-37-1 by any person who has been convicted of a felony under the laws of this state, any other state, or of the United States, shall be prima facie evidence of a violation of that section.

97-37-7. *Deadly weapons—persons permitted to carry weapons—bond.* It shall not be a violation of section 97-37-1 or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, watchmen, railroad special agents or duly authorized representatives, agents or employees of a patrol service, guard service, or a company engaged in the business of transporting money, securities or other valuables, or persons similarly employed and

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

engaged, while actually engaged in the performance of their duties as such, provided that such persons are under bond in a sum of not less than one thousand dollars ($1,000.00) for the lawful and faithful performance of their duties, the cost of which bond shall be paid by the employer of such persons; and, further, provided that such persons have first made written application and obtained a permit so to do from the sheriff of the county in which they are employed. Provided, however, that where the duties of any person covered by the provisions of this paragraph may carry him into more than one county, such person may file a bond in the sum of two thousand dollars ($2,000.00) with the secretary of state, for the lawful and faithful performance of his duties, the cost of the bond shall be paid by the employer of such person, and, provided, further, that such person has first made written application with and obtained a permit so to do from the secretary of state, and said permit shall be valid as a statewide permit, for which the secretary of state shall collect a fee of two dollars ($2.00). No such permit shall be issued to any person who has ever been convicted of a felony under the laws of this or any other state or of the United States.

It shall further not be a violation of section 97-37-1 or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by game and fish law enforcement officers or investigators employed by the attorney general while engaged in the performance of their duties as such.

97-37-9. *Deadly weapons—defenses against indictment for carrying deadly weapon.*—Any person indicted or charged for a violation of section 97-37-1 may show as a defense:

(a) That he was threatened, and had good and sufficient reason to apprehend a serious attack from any enemy, and that he did so apprehend; or

(b) That he was traveling and was not a tramp, or was setting out on a journey and was not a tramp; or

(c) That he was a law enforcement or peace officer in the discharge of his duties; or

(d) That he was at the time in the discharge of his duties as a mail carrier; or

(e) That he was at the time engaged in transporting valuables for an express company or bank; or

(f) That he was a member of the armed forces of the United States, National Guard, State Militia, Civil Defense Corps, guard or patrolman in a state or municipal institution while in the performance of his official duties; or

(g) That he was in lawful pursuit of a felon; or

(h) That he was lawfully engaged in legitimate sports; or

(i) That at the time he was a company guard, bank guard, watchman or other person enumerated in section 97-37-7 and was then actually engaged in the performance of his duties as such, and then held a valid permit from the sheriff or the secretary of state to carry the weapon.

And the burden of proving either of said defenses shall be on the accused.

97-37-11. *Deadly weapons—dealers to keep record of cartridges and weapons sold.* Every merchant or dealer or pawnbroker that sells bowie-knifes, dirk-knifes, pistols, brass or metallic knuckles or slungshots, or pistol or rifle cartridges, shall keep a record of all sales of such weapons and cartridges sold, showing the description of the weapons and kind and caliber of cartridges so sold, the name of the purchaser, and the description of weapons and the quantity of cartridges and date of sale. This record to be opened to public inspection at any time to persons desiring to see it. The dealer who violates this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars.

97-37-13. *Deadly weapons—weapons and cartridges not to be given to minor or intoxicated person.* It shall not be lawful for any person to sell, give or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and, on conviction thereof, he shall be punished by a fine not less than twenty-five dollars nor more than two hundred dollars, or imprisoned in the county jail not exceeding three months, or both.

97-37-23. *Explosives—unlawful possession—duty of officers to make search and seize explosives.* (1) It is unlawful for any person to have in his possession dynamite caps, nitro glycerine caps, fuses, detonators, dynamite, nitro glycerine, explosives, gas or stink bombs, or other similar explosives peculiarly possessed and adapted to aid in the commission of a crime; except such person or persons who are engaged in a lawful business which ordinarily requires the use thereof in the ordinary and usual conduct of such business, and who possess said articles for the purpose of use in said business; and upon conviction of any person thereof, he shall be punished by imprisonment in the penitentiary not exceeding five years, or in the county jail not exceeding one year. The possession of such explosives by one who does not customarily use same in his regular and ordinary occupational activities shall be prima facie evidence of an intention to use same for such unlawful purposes.

(2) It shall be the duty of any sheriff, constable, marshal, or policeman in a municipality, or any person vested with general police authority, who has reason to believe and does believe that the above described explosives are being transported or possessed for aid in the commission of a crime, forthwith to make a reasonable search of such person or vehicle, and to seize such explosives and to at once arrest the person or persons having possession or control thereof. Such officer or officers proceeding in good faith shall not be liable either civilly or criminally for such a search and seizure without a warrant, so long as said search and seizure is conducted in a reasonable manner, it appearing that the officer or officers had reason to believe and did believe that the law was being violated at the time such search was instituted. And the officer or officers making such search shall be competent to testify as a witness or witnesses as to all facts ascertained by means of said reasonable search or seizure, and all such explosives seized shall be admitted in evidence. But this section shall not authorize the search of a residence or home, or room, or building, or the premises belonging to or in the possession lawfully of the party suspected, without a search warrant.

97-37-31. *Silencers on firearms—manufacture, sale, possession or use unlawful.* It shall be unlawful for any person, persons, corporation, or manufacturing establishment, within this state, to make or manufacture for sale in the State of Mississippi, any instrument or device which, if used on firearms of any kind, will arrest or muffle or tend to lessen the report of said firearm when shot or fired. It shall be unlawful to sell, offer for sale or to give away, in this state any such instrument or device, and it shall be unlawful for any person to own, use or have in his possession, any such instrument or device. Any person, corporation or manufacturing establishment violating this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars and not more than one hundred dollars, or imprisoned in the county jail not less than thirty days nor more than sixty days, or both.

Vicksburg

14-93. *Dispensing to minor or intoxicated person.* It shall be unlawful for any person to sell, give, or lend to any minor, or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge.

MISSOURI

State Law

V.A.M.S. TITLE 38

407.500. *Missouri residents may purchase rifles and shotguns in contiguous states, when* Residents of the state of Missouri may purchase rifles and shotguns in a state contiguous to the state of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968,[1] and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the contiguous state in which the purchase is made.

564.590. *Machine gun, possession a felony—Exceptions.* It shall be unlawful for any person to sell, deliver, transport, or have in actual possession or control any machine gun, or assist in, or cause the same to be done. Any person who violates this section shall be guilty of a felony and punished by imprisonment in the state penitentiary not less than two nor more than thirty years, or by a fine not to exceed five thousand dollars, or by both such fine and imprisonment; provided, that nothing in this section shall prohibit the sale, delivery, or transportation to police departments or members thereof, sheriffs, city marshals or the military or naval forces of this state or of the United States, or the possession and transportation of such machine guns, for official use by the above named officers and military and naval forces in the discharge of their duties.

564.600. *Machine gun—Defined.* The term "machine gun" as used in section 564.590 shall be construed to apply to and include all firearms known as machine rifles, machine guns or sub-machine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

564.610. *Dangerous and concealed weapons, prohibitions concerning—Exceptions—Penalty.* If any person shall carry concealed upon or about his person a dangerous or deadly weapon of any kind or description, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, political, literary or social purposes, or to any election precinct on any election day, or into any courtroom during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under militia law of this state, having upon or about his person, concealed or exposed, any kind of firearms, bowie knife, springback knife, razor, metal knucks, billy, sword cane, dirk, dagger,

slung shot or other similar deadly weapons or shall, in the presence of one or more persons, exhibit any such weapons in a rude, angry or threatening manner, or shall have any such weapon in his possession when intoxicated, or, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by imprisonment by the department of corrections for not more than five years, or by imprisonment in the county jail not less than fifty days nor more than one year, but nothing contained in this section shall apply to legally qualified sheriffs, police officers and other persons whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the public peace, nor to persons traveling in a continuous journey peaceably through this state.

564.620. *Pistol, revolver or firearms to be plainly marked.* No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other weapon of the same model made by the same maker, and the maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keep a full and complete record of the description of the weapon, the name and address of the person from whom purchased and to whom sold, the date of the purchase or sale, and in the case of retailers the date of the permit and the name of the sheriff granting the same, which record shall be open to inspection at all times by any police officer or other peace officer of this state.

564.630. *Concealed weapon permits—How obtained.* 1. No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purposes of commerce, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving the weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering the weapon, within thirty days after the issuance thereof, a permit authorizing the person to acquire the weapon.

2. The permit shall be issued by the sheriff of the county in which the applicant for a permit resides in this state, if the sheriff be satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the date, the name and address of the person to whom granted and of the person from whom the weapon is to be acquired, the nature of the tranaction, and a full description of the weapon, and shall be countersigned by the person to whom granted in the presence of the sheriff. The sheriff shall receive therefor a fee of fifty cents which shall be remitted to the county treasurer for deposit in the general revenue fund of the county.

3. If the permit be used, the person receiving the same shall return it to the sheriff within thirty days after its expiration, with a notation thereon showing the date and manner of the disposition of the weapon. The sheriff shall keep a record of all applications for the permits and his action thereon, and shall preserve all returned permits.

4. No person shall in any manner transfer, alter or change the permit or make a false notation thereon or obtain the same upon any false representation to the sheriff granting the same, or use or attempt to use or permit granted to another.

5. No permit shall be required for an antique firearm or replica thereof. The term "antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

564.640. *Weapons must be stamped.* No person within this state shall lease, buy or in any wise procure the possession from any person, firm or corporation within or without the state, of any pistol, revolver or other firearm of a size which may be concealed upon the person, that is not stamped as required by section 564.620; and no person shall buy or otherwise acquire the possession of any such article unless he shall have first procured a written permit so to do from the sheriff of the county in which such person resides, in the manner as provided in section 564.630.

Belton

6.9. *Weapons.* (e) "Sales to intoxicated persons and minors." No pawnbroker, secondhand dealer, or other person engaged in business shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Blue Spring

15-28. *Mayor's authority during state of emergency; curfew regulations; penalty for violation of section.* (a) Proclamation of state of emergency. The mayor is hereby authorized, in the event of riot or civil disobedience or when actions of riot or civil disobedience appear imminent, to declare, by proclamation, that a state of emergency exists in the city.

(b) Emergency curfew. The mayor is hereby authorized in the event of the declaration of such emergency, to order an emergency curfew, at such hours as he shall deem necessary, to be in effect not to exceed seventy-two (72) hours at any one time without further orders of the board of aldermen.

(d) Certain businesses and establishments to be closed. The following businesses and establishment shall be ordered closed during the time and term of said curfew: (3) Any establishment selling firearms or ammunition.

Boonville

49.08. *Sale of weapons to minors.* No person shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, dirk, dagger, or any knife not made to open and shut.*

Branson

52. *Permits required—a. Permits shall be obtained:* (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition * * *.

Bridgeton

16-60. *Same—Sale of firearms or cartridges to minor.* No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor; or, without such consent, sell to any minor under the age of sixteen (16) years any cartridge or shell of fixed ammunition which part is detonated by any type of primer.*

Cape Girardeau

18-100. *Sale of weapons to minors; restrictions.* No person shall sell to any child under the age of sixteen years without the written consent of the parents or guardian of such child any cartridge or fixed ammunition of which fulminate is a component part, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger or switch blade knife.*

Charleston

12-59. *Selling ammunition to minors.* Any person within the limits of this city, who shall give, lend, barter, or sell to any minor under the age of eighteen (18) years, without the written consent of the guardian or parents of such minor any cartridge of fixed ammunition, either blank or loaded with shot or ball, of which fulminate is a component part, or any gun, rifle or revolver, bowie knife or dagger, shall be deemed guilty of a misdemeanor.

Columbia

7.1500. *Weapons—Carrying concealed; delivering to minors.* If any person shall, within the city, carry concealed upon or about his person any deadly or dangerous weapon, or * * * shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the city prison not less than five days nor more than six months, or by both such fine and imprisonment.

Crestwood

53.09. *Sale of firearms or ammunition to minors.* No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor, or, without such consent sell to any minor under the age of sixteen years any cartridge or shell or fixed ammunition of which fulminate is a component part.*

El Dorado Springs

19. If any person within the corporate limits of the city * * * having upon or about his person any kind of firearms, bowie knife, dirk, dagger, sling shot, or other deadly weapon * * * shall directly or indirectly sell or deliver, loan or barter, to any minor any such weapon without the consent of the parent or guardian of such minor, he shall upon conviction be punished by a fine of not less than fifty or more than one hundred dollars.*

Excelsior Springs

24-86. *Sale of firearms, etc., to minors.* If any person shall directly or indirectly, sell

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

or deliver, loan or barter to any minor any kind of firearms, bowie knife, dirk, dagger, sling shot, or other deadly weapon, without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.*

Flat River

79. *Sale to minors.* Any person within the corporate limits of this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger, or any knife not made to open and shut shall be deemed guilty of a misdemeanor.*

Fulton

18-8. *Sale, etc., of deadly weapons to minor.* No person within the city shall sell, deliver, loan or barter to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, Bowie knife, dirk, dagger, or any knife not made to open and shut.*

Independence

12.150. *Weapons. E. Sales to intoxicated persons and minors.* No pawnbroker, secondhand dealer, or other person engaged in business shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Jefferson City

3. *Explosives, firearms and weapons.* 3.1 No person shall, in this City, * * * having upon or about his person any kind of firearms, * * * directly or indirectly sell, deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; * * *.*

1268. *Sale of pistols, knives and cartridges to children, prohibited.* Any person, within this city, who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger, or any knife not made to open and shut, shall be deemed guilty of a misdemeanor.*

Joplin

38.132. *Weapons—Sale, etc., to minor of firearm, air gun, etc.* It shall be unlawful within the city for any person to sell, loan or furnish, to any minor any gun, pistol or other firearm or any toy gun, toy pistol or other toy firearm in which any explosive substance can be used, or any air rifle, air gun or similar gun from which shot, pellets, bullets, or projectiles can be fired.*

Kansas City

26.181. *Sale of firearms to minors.* No person shall, directly or indirectly, sell or deliver, loan or barter to any person under eighteen (18) years of age, without the consent of the parent or guardian of such minor, any kind of firearm, gun, revolver, pistol, starter pistol or starter pistol with automatic ejector or firearm of any description, or air gun or other device designed or intended to discharge any pellets, B-B shot, shot or other deadly or dangerous missile, casing or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.*

26.186. *Machine guns.* (a) Possession prohibited. Every person who, within the city, possesses any firearm of the kind commonly known as a machine gun, as hereinafter defined, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment at the municipal farm not to exceed one year, or by a fine not to exceed five hundred dollars ($500.00) or by both such fine and imprisonment.

(d) Definition. The term "machine gun," as used in this section, shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously, loaded ammunition of any caliber, in which ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

26.188. *Explosive or flammable devices.* It shall be unlawful for any person to make, use, or possess on his person, or under his control, any explosive device, including a molotov cocktail, containing flammable, combustible or explosive material or substance which can be used as a fire bomb either by igniting the fuse or breaking the device; provided however, any person who can show that he is engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control, is hereby exempt from the operation of this section.

Kirksville

46. *Carrying deadly weapons, etc.* If any person within the city of Kirksville * * * having upon or about his person any kind of fire arms, bowie-knife, dirk, dagger, slungshot, or other deadly weapon, * * * shall, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine not to exceed one hundred dollars or by imprisonment not to exceed three months.*

Marceline

9. *No person* * * * having upon or about his person, any kind of firearms * * * directly or indirectly loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor.*

Marshall

20-29. *Weapons—Carriage, display.* It shall be unlawful for any person * * * having upon or about his person, * * * any kind of firearms, * * * directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; * * *.*

Mexico

44.4. *Weapons transactions with incompetent persons, etc., prohibited.* No person in this city shall purchase or borrow from or sell, loan or furnish to any person who is (a) under the influence of alcohol or any narcotic drug, stimulant or depressant; or (b) in a condition of agitation or excitability; or (c) legally incompetent or a minor under the age of eighteen years any weapon in which any explosive substance can be used.

Monroe City

4.3. *Sale of Pistols, Knives, and Cartridges to children prohibited.* Any person within this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, bowie-knife, dirk, dagger, or any knife not made to open and shut shall be deemed guilty of a misdemeanor.*

Nevada

23-28. *Same—sale or furnishing to minors.* No person in the city shall sell, give, furnish or procure or deliver any revolver, pistol, shotgun, rifle or other firearm capable of propelling a metal object or projectile by means of an explosive substance to any minor under the age of eighteen years without the written consent of the parent, guardian or other person having control of the minor.*

23-80. *Same—Sale to intoxicated persons, etc.* No person in the city shall sell, loan or furnish a weapon described in section 23-78 or other weapon in which an explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation or excitability.

Poplar Bluff

22-70. *Sale of firearms, etc., to minors.* If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearm, bowie knife, dirk, dagger, slingshot, or other deadly weapon, without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.*

Richmond

10. *If any person* * * * having upon or about his person, any kind of fire-arm, * * * shall directly or indirectly loan or barter to any minor, any such weapon without the consent of the parent or guardian of such minor, he shall upon conviction be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the city prison not less than five days nor more than six months, or by both such fine and imprisonment.*

Shrewsbury

5. *No person shall sell* to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition of which fulminate is a component part.*

Sikeston

9-206. *Dangerous or deadly weapons.* (a) No person shall, directly or indirectly, sell, loan, barter, deliver or give to any minor any dangerous or deadly weapon without the written consent of such minor's parent or guardian.*

Slater

1. If any person shall, * * * having upon or about his person, * * * any kind of firearms, * * * directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be deemed guilty of a misdemeanor * * *.*

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

Springfield

26-10. * * * *Sale of weapons to minors.* No person shall * * * sell or deliver, loan or barter to any minor any * * * weapon without the consent of the parent or guardian of such minor.*

St. Joseph

16-161. *Machine guns.* (a) *Possession.* It shall be unlawful for any person within the city, to possess any firearm of the kind commonly known as a machine gun, as hereinafter defined.

(b) *Scope of section.* Nothing in this section shall prohibit the police department, and the members thereof, sheriffs or the members of the military or naval forces of this state or of the United States from possessing such firearms for official use in the discharge of their duties.

(d) *Definition.* The term "machine gun" as used in this section shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously, loaded ammunition of any caliber, in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

St. Louis

754.020. *Sale of weapons to minors.* No dealer or merchant who sells toys, firearms, guns or similar weapons, shall sell deliver or give any air rifle, air gun or pistol, spring gun, or gun or rifle operated with a gas-propelled cartridge, metal or sharp pointed arrow, tear gas gun, vapor gas gun, or any other similar weapon, to any minor under the age of 17 years.*

754.030. *Sale of certain weapons to minors prohibited.* No person shall sell or deliver, loan or barter, either directly or indirectly, to any minor under the age of 21 years, any kind of firearms, bowie knife, spring back knife, razor, metal knucks, bill, sword cane, dirk, dagger, slung shot, or other similar deadly weapon, or tear gas gun, vapor gas gun, or any other similar weapon, without the consent of the parent or guardian of such minor.

756.010. *Definition.* As used in this Chapter, the term "minor" shall mean anyone under the age of 21 years.

777.070. *Carrying weapons by felons prohibited.*—No person convicted of a felony within the next five (5) years immediately preceding under any State or Federal law shall own, possess or carry on or about his person in the City of St. Louis any firearm, pistol, revolver, shotgun or rifle.

St. Louis County

712.020. *Definitions.*—The term "Firearm" as is used in this Chapter means any rifle, shotgun, weapon or similar mechanism by whatever name known, which is designed to expel a projectile or projectiles thorugh a gunbarrel, tube, pipe, cylinder or similar device by the action of any explosive. The term "Firearm" shall not apply to devices used exclusively for commercial, industrial or vocational purposes.

712.030. *Scope.*—The provisions of this code shall apply to that area of St. Louis County outside the incorporated cities, towns and villages.

712.040. *Specific actions, prohibited.*—1. it shall be unlawful for any person to sell, give, lend or otherwise transfer any firearm to any person sixteen (16) years of age or younger except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person, and the person sixteen (16) years of age or younger, or in the case of a gift or loan, where such gift or loan is made with the consent of the parent or guardian of such person sixteen (16) years of age or younger * * *.*

Stanberry

Sale of firearms etc., to children prohibited. Any person within the city who shall sell to any child under age of sixteen years, without consent in writing of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger, or any knife not made to open or shut shall be deemed guilty of a misdemeanor.*

Sweet Springs

31.116. *Sale of weapons to minors.* Any person who shall within the City, directly or indirectly sell or deliver, loan or barter to any minor any kind of firearms, bowie knife, dagger, slingshot, or other dangerous weapon, without the consent of the parent or guardian of such minor, shall upon conviction thereof be deemed guilty of a misdemeanor.*

Valley Park

302.090: *Weapons.* a. It is unlawful to: (5) Directly or indirectly, sell or deliver, loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor; or * * *.*

Warrensburg

16-85. *Sale of firearms, etc., to minors.* If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms, bowie knife, dirk, dagger, sling shot, or other deadly weapon, without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.*

Webb City

17-61. *Same—Firearms and ammunition not to be provided to minors.* It shall be unlawful for any person within the city to sell, give away or otherwise dispose of, to any minor, firearms or ammunition of any type, including but not limited to blank cartridges, air guns and air pistols, excepting toy pistols which shoot paper caps only, or to allow such to be done by any person in his employ or under his control.

c. *Small arms ammunition* shall mean any shotgun, rifle, pistol or revolver cartridge and cartridges for propellant-actuated power devices and industrial guns.

50. *Permits required.* a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

Wentzville

7-504. *Offenses against public safety.* No person in the city shall: (2) Weapons. (e) Sales to Intoxicated Persons and Minors. Purchase from, or sell, loan, or furnish, any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

---

* NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

MONTANA

State Law

REV. CODE OF MONTANA

11-957. *Fire hazardous manufactories—firearms—concealed weapons.* The city or town council has power: To regulate, restrain, or prevent the carrying on of manufactories dangerous in causing or producing fires, and to prevent and suppress the sale of firearms, and carrying of concealed weapons.

69-1901. *Definitions.* The term "explosive" or "explosives" whenever used in this act shall be held to mean and include any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

69-1902. *Prohibitions and exceptions.* No person shall manufacture, have, keep, or store explosives in this state, except in compliance with this act, except that explosives may be manufactured without compliance with this act in the laboratories of schools, colleges and similar institutions, for the purpose of investigation and instruction.

It shall be unlawful to sell, give away, or otherwise dispose of, or deliver to any person under eighteen (18) years of age any explosives, whether said person is acting for himself or for any other person.

69-1919. *Existing ordinances not affected.* Nothing contained in this act shall affect any existing ordinance, rule or regulation of any city or municipality not less restrictive than this act governing the manufacture, storage, and sale of explosives, or affect, modify, or limit the power of cities or municipalities in this state to make ordinances, rules, or regulations not less restrictive than this act, governing the manufacture, storage, sale, use, or transportation of explosives within their respective corporate limits.

94-8-201. *Definitions.* "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than six shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

94-8-204. *Presumption of possession or use for offensive or aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fida permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreignborn person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in section 94–8–208 and has not been registered as in said section required; or

(d) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

94–8–206. *Exceptions.* Nothing contained in this act shall prohibit or interfere with:

1. The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

94–8–208. *Registration of machine guns now in state and hereafter acquired—presumption from failure to register.* Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the secretary of state, on the effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the secretary of state, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration date shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

94–8–219. *When Montana residents may purchase rifles or shotguns in contiguous states.* Residents of Montana may purchase any rifle or rifles and shotgun or shotguns in a state contiguous to Montana, provided that such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States secretary of the treasury, and provided further, that such residents conform to the provisions of law applicable to such purchase in Montana and in the state in which the purchase is made.

94–8–223. *Sale or manufacture of Maxim silencers and various explosives for wrongful use a felony.* Any person who shall make, manufacture, compound, buy, sell, give away, offer for sale or to give away, transport, or have in possession any Maxim silencer, bomb, nitroglycerin, giant, oriental, or thunderbolt powder, dynamite, ballistite, fulgarite, detonite, or any other explosive compound, or any inflammable material, or any instrument or agency, with intent that the same shall be used in this state or anywhere else for the injury or destruction of public or private property, or the assassination, murder, injury, or destruction of any person or persons, either within this state or elsewhere, or knowing that such explosive compounds or such materials, instruments, or agencies are intended to be used by any other person or persons for any such purpose, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for not less than five years nor more than thirty years, or by a fine of not less than one thousand dollars nor more than twenty-thousand dollars, or by both such fine and imprisonment.

94–8–225. *Same—possession presumptive evidence of what.* The possession of any Maxim silencer or bomb of any kind, or chemical compounds intended only for the destruction of life or property, shall be presumptive evidence that the same are intended to be used in the destruction of or injury to property or life, within the meaning of this Act.

Deer Lodge

2. It shall be unlawful for any person, firm, co-partnership, Association, or Corporation, to sell to any person under the age of 18 years, BB guns, air rifles, or rifles or firearms unless such person is accompanied by his or her guardian.*

NEBRASKA

State Law

NEB. R.R.S.

28–1010. *Machine guns; sale unlawful; exceptions; penalty.* It shall be unlawful for any person, firm or corporation, its or their agents or servants, to sell or cause to be sold or otherwise to dispose of any machine gun to any person in the State of Nebraska, except officers of the law, agents of the United States government, or agents of the law enforcement department of the State of Nebraska. If any person, firm or corporation, or its or their agents or servants, violate any of the provisions of this section, they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one thousand dollars nor more than ten thousand dollars.

28–1011.10. *Firearm; person under eighteen, unlawful to possess; exception; violation; penalty.* It shall be unlawful for any person under the age of eighteen years to possess a pistol, revolver, or any other form of short-barreled hand firearm. The provisions of this section shall not apply to the issue of pistols, revolvers, or any other form of short-barreled hand firearms to members of the armed forces of the United States, active or reserve, state militia, or Reserve Officers Training Corps, when on duty or training, or to the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not to exceed one hundred dollars or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment.

28–1011.14. *Fugitive from justice, defined.* As used in sections 28–1011.14 to 28–1011.19, fugitive from justice shall mean any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony.

28–1011.15. *Fugitive from justice; firearms; knuckles; possession; unlawful.* It shall be unlawful for any person who has been convicted of a felony, or who is a fugitive from justice, to possess any firearm with a barrel less than twelve inches in length, or brass or iron knuckles. Such felony conviction may have been had in any court of the United States, the several states, territories, or possessions, or the District of Columbia.

28–1011.16. *Fugitive from justice; pistol; receive, possess, sell, lease; unlawful.* It shall be unlawful for any person to receive, possess, sell, or lease, other than by delivery to law enforcement officials, any pistol from which the manufacturer's identification mark or serial number has been removed.

28–1011.17. *Bomb, bombshell, grenade, explosive substance; receive; possess; sell; purchase; manufacture; unlawful; exception.* It shall be unlawful for any person to receive, possess, sell, purchase, or manufacture any bomb, bombshell, grenade, bottle, or other such container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; Provided, that this section shall not apply to military and law enforcement agencies and personnel, and persons, firms, or corporations engaged in businesses or occupations involving commercial explosives, fireworks, firearms, ammunition, or agriculture, when possession and use is otherwise authorized or permitted by law.

28–1011.20. *Firearms: purchase, sell, trade, convey: conditions.* The State of Nebraska herewith permits its residents, not otherwise precluded by any applicable laws, to purchase, sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components or firearm accessories in Nebraska and in states contiguous to Nebraska. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922 (b), (3) (A) of Public Law 90–618 of the 90th Congress, Second Session. In the event that presently enacted federal restrictions on the purchase of rifles, shotguns, ammunition, reloading components or firearms accessories are repealed by the United States Congress or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of shotguns, rifles, ammunition, reloading components, or firearms accessories by residents of Nebraska otherwise competent to purchase same in contiguous or other states.

28–825. *Emergency personnel, defined; assault on; penalty; dangerous weapon or substance, defined.* (1) A person is guilty of the crime of assault on emergency personnel if he assaults or threatens in a menacing manner or strikes or wounds a person coming within the definition of emergency personnel which is committed in an area:

(a) In which a declared state of emergency exists; or

(b) Within the immediate vicinity of which a riot is occurring or is threatening to occur.

(2) Emergency personnel shall include peace officers, firemen, ambulance attendants, utility workers, doctors, nurses, and other persons lawfully engaged in providing essential services during the emergency.

(3) Dangerous weapon or substance shall mean a revolver, pistol, bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, Molotov cocktails, or any deadly weapon, ammunition, explosive, incendiary device, or any instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property; or any instrument or substance that is capable of being used to inflict serious bodily injury, when probable cause exists that such instrument or substance will be so used; or any part or ingredient in any instrument or substance included above, when probable cause exists that such part or ingredient will be so used.

(4) Any person convicted of an assault on emergency personnel shall be fined in a sum not exceeding five hundred dollars, or be imprisoned in the county jail not exceeding

---

* NOTE.—Licensees under the Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

six months. Any person who commits an assault upon emergency personnel with or through the use of any dangerous weapon or substance is guilty of a felony and shall, upon conviction thereof, be imprisoned in the Nebraska Penal and Correctional Complex for not less than one year nor more than five years.

28-826. *Dangerous weapon; transport or possess off own premises; penalty.* (1) Except as otherwise provided in this section, it is unlawful for any person to transport or possess off his own premises any dangerous weapon or substance as defined in subsection (3) of section 28-825, in any area:

(a) In which a declared state of emergency exists; or

(b) Within the immediate vicinity of which a riot is occurring.

(2) The provisions of this section shall not apply to emergency personnel.

(3) Any person convicted of a violation of the provisions of this section shall be fined in a sum not to exceed five hundred dollars, or be imprisoned in the county jail for not more than six months.

28-827. *State of emergency; declaration; effect; violation; penalty.* (1) Whenever a state of emergency has been declared to exist pursuant to section 28-828, the emergency measures provided in subsection (2) of this section shall thereupon be in effect during the period of such emergency and within the area defined in the declaration of such state of emergency.

(2) (a) The sale or other transfer of possession, with or without consideration, offer to sell or so transfer, and the purchase of any ammunition, guns and other firearms of any size or description is prohibited.

(b) The displaying by or in any store or shop of any ammunition, guns and other firearms of any size or description is prohibited. The owner or one in possession of such store or shop shall, during the existence and such emergency, place such items in a locked, fireproof container stored away from public access.

(c) The possession in a public place of a pistol, revolver, rifle or a shotgun by any person, except emergency personnel, is prohibited.

(g) The sale or other transfer of possession, with or without consideration of gasoline or any other flammable or combustible liquid, except by delivery into a tank properly affixed to an operable motor-driven vehicle, bike, scooter and necessary for the propulsion thereof, is prohibited.

(h) The possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid is prohibited.

(4) The provisions of this section shall not apply to emergency personnel as defined in subsection (2) of section 28-825.

28-828. *State of emergency; declaration; effect.* (1) A mayor of a municipality, a chairman of the board of county commissioners and the Governor, within their respective jurisdictions, may declare the existence of a state of emergency for all or part of such jurisdiction according to the provisions of subsection (2) of this section; *Provided*, that when the Governor determines that a state of emergency exists, he must further find that local control of the emergency is insufficient to assure adequate protection for lives and property. Local control shall be deemed insufficient only if: (a) Needed control cannot be imposed locally because local authorities responsible for preservation of the public peace have not taken steps necessary for effectual control of the emergency that has arisen; (b) the area in which the state of emergency exists has spread across local jurisdictional boundaries and the local control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; or (c) the scale of the emergency is so great it exceeds the capability of local authorities to cope with it.

(2) Whenever the appropriate official determines that there has been an act of violence or a flagrant and substantial defiance or resistance to a lawful exercise of public authority, and that, partly on account thereof, there is probable cause to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience to the law, and substantial injury to persons or to property, all of which constitute a threat to public peace or order, he may declare that a state of emergency exists; *Provided*, That the proclamation declaring such state of emergency must contain a clear and concise statement of the area to which it applies.

(3) All prohibitions and restrictions imposed by proclamation shall take effect immediately upon publication of the proclamation in the area affected unless the proclamation sets a later time. For the purpose of requiring compliance, publication may consist of reports of the substance of the proclamation in the mass communications media serving the affected area or other effective means of disseminating the necessary information quickly. As soon as practicable, appropriate distribution of the full text of any proclamation shall be made.

(4) Proclamations may be extended as to time or area, amended or rescinded by proclamation. Proclamations shall expire at the end of the fifth day after their last imposition unless sooner terminated by proclamation by the appropriate official.

81-829.40. *Disaster and Civil Defense Agency; Governor; control.* * * * (6) In addition to any other powers conferred upon the Governor by law, he may: * * *

(h) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles; and * * *.

Aurora

2. *It shall be unlawful* for any person to sell or give away to any person under the age of sixteen (16) years any rifle, gun, pistol, air gun, blank cartridge revolver or any other firearm, or any sling shot loaded with rock or leaden or other dangerous missiles. It shall be unlawful for any person under the age of sixteen (16) years to have in his possession any firearm or weapon as described above or any ammunition designed for use in said above described firearms or weapons unless said individual is accompanied by a person of legal age.*

Gering

6-4-3: *Sale to minors:* It shall be unlawful for any person within the Corporate Limits of the City to sell or give away to any minor under the age of twenty-one (21) years, or for any such minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.*

Grand Island

22-10. *Same—Furnishing, etc., to minors.* It shall be unlawful for any person to sell, loan, give or furnish to any minor, any gun, fowling piece, or other firearm including air rifles or sling shots, within the city.

Hastings

11-511. *Sale to intoxicated persons and minors.* No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.*

Kearney

21.13 *Same—Sale to and possession by minors.* It shall be unlawful for any person within the city to sell or give way to any minor under the age of eighteen years, or for any such minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges of ammunition loaded with powder, or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.*

Kimball

6-4-4: *Sale to persons under eighteen years of age forbidden:* It shall be unlawful for any person to sell or give away to any other person under the age of eighteen (18) years, or for any person under the age of eighteen (18) years to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procurring the consent of such persons, parent or guardians.*

Lincoln

9.28.020. *Minors not to be furnished with firearms and weapons.* It shall be unlawful for any person to sell, loan or furnish to any minor any gun, fowling piece, or other firearm, or any pocket knife having a blade more than three inches in length; provided, it shall be lawful to sell, loan or furnish shotguns, rifles, and .22-caliber pistols, of a type commonly used for hunting, to persons eighteen years of age or older.*

Omaha

25.53.010. *Possession of an unregistered firearm.* It shall be unlawful for any person to own, have possession of or maintain control over any firearm which has not been registered to said person with the Chief of Police in accordance with this Chapter, except when such possession or control is with the knowledge and express consent of the person in whose name such firearm is registered.

25.53.030. *Manner of registration.* Any person desiring to register a firearm shall make an application to the Chief of Police stating therein that he (1) is a citizen of the United States of America, (2) is over the age of 21 years and (3) has never been convicted of a felony. The application shall inquire as to any record of mental disorder or misdemeanor convictions of the applicant and the purpose of the applicant for acquiring the firearm.

25.53.040. *Issuance or denial of a permit.* Upon the filing of an application for registration of a firearm, the Chief of Police shall issue a permit or deny a permit and furnish the applicant the specific reasons for the denial in writing. A failure to furnish the applicant a written denial shall constitute issuance of a permit.

---

*Note.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

25.53.050. *Time allowed to consider an application.* The Chief of Police shall be permitted 7 days in which to consider an application for registration of a firearm. The Chief of Police may take custody of the firearm in the applicant's possession while the application is under consideration whenever he determines that it is in the best interests of public safety to do so.

25.93.010. *Sale of a firearm to a minor.* It shall be unlawful for any person to sell to a minor any firearm or ammunition therefor.

25.93.030. *Purchasing or renting a firearm.* It shall be unlawful for any person to sell or rent a firearm to any person who has not obtained a written permit form the Chief of Police as provided for in this Title.

25.93.040. *Pawning a firearm.* It shall be unlawful for any person to pawn, pledge or store a firearm or to accept a firearm in pawn or as a pledge of or for storage from a person who has not registered it as provided for in this Title.

NEVADA

State Law

NEVADA REVISED STATUTES

202.260. *Infernal machines.* 1. It shall be unlawful for any person to manufacture or procure any dynamite machine or device or other device for the destruction of life or property, or to have either of the same in his possession.

2. Any person violating the provisions of this section shall be guilty of a felony.

202.300. *Use of firearms by minor under 14 years.* 1. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of an adult person, any firearm of any kind for hunting or target practice or for other purposes.

2. Every person violating any of the provisions of subsection 1, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

202.310. *Sales of certain firearms to minors under 18 years unlawful.* 1. Any person in this state who sells or barters to another under the age of 18 years either a pistol, revolver or a firearm capable of being concealed upon the person shall be guilty of a misdemeanor.

2. The term "firearm capable of being concealed upon the person" as used in this section applies to and includes all firearms having a barrel less than 12 inches in length.

202.360. *Alien, ex-felon not to possess firearm capable of being concealed on person; penalty.* 1. The terms "pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this section, apply to and include all firearms having a barrel less than 12 inches in length.

2. After July 1, 1925, no unnaturalized foreign-born person, and no person who has been convicted of a felony in the State of Nevada, or in any one of the states of the United States of America, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person.

4. Nothing in this section applies to or affects:

(a) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed police officers.

(b) Any person summoned by any such officers to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such officer.

(c) Members of the Armed Forces of the United States when on duty.

202.370. *Definitions.* 1. "Shell," "cartridge" or "bomb" shall be construed to apply to and include all shells, cartridges or bombs capable of being discharged or exploded, when such discharge or explosions will cause or permit the release or emission of tear gas.

2. "Tear gas" shall be construed to apply to and include all liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air.

3. "Weapon designed for the use of such shell, cartridge or bomb" shall be construed to apply to and include all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

202.380. *Sale, possession of tear gas bombs, weapons without permit unlawful; exceptions.* 1. Every person, firm or corporation who within the State of Nevada knowingly sells or offers for sale, possesses or transports any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of NRS 202.370 to 202.440, inclusive, shall be guilty of a gross misdemeanor.

2. Nothing in NRS 202.370 to 202.440, inclusive, shall prohibit police departments or regular salaried members thereof, sheriffs and their regular salaried deputies, or the military or naval forces of this State or of the United States from purchasing, possessing or transporting such shells, cartridges or bombs for official use in the discharge of their duties.

202.390. *Weapon to bear name of manufacturer and serial number; penalty for removal.* 1. Each tear gas weapon sold, transported or possessed under the authority of NRS 202.370 to 202.440, inclusive, shall bear the name of the manufacturer and a serial number applied by him.

2. No person shall change, alter, remove or obliterate the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon: Possession of any such weapon upon which the same shall have been changed, altered, removed or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same.

3. Any person who violates any of the provisions of this section is guilty of a gross misdemeanor.

202.400. *Permit for possession, transportation, protective system, to be issued by director of Nevada highway patrol.* 1. It shall be lawful for the director of the Nevada highway patrol to issue a permit for the possession and transportation of such shells, cartridges, bombs or weapons upon proof to the director that good cause exists for the issuance thereof to the applicant for such permit.

2. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of such shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit.

202.440. *Licenses for retail sale of bombs, weapons; conditions.* The director of the Nevada highway patrol may also grant licenses in a form to be prescribed by him, effective for not more than 1 year from the date of issuance, to permit the sale at retail, at the place specified in the license, of such shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of such shells, cartridges, bombs or weapons, subject to the following conditions, upon breach of any of which the license shall be subject to forfeiture:

1. Such business shall be carried on only in the building designated in the license.

2. Such license or certified copy thereof must be displayed on the premises in a place where it may easily be read.

3. No such shell, cartridge, bomb, or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of NRS 202.370 to 202.440, inclusive. No protective system involving the use of such shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system, unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of such system.

4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent. No sale shall be made unless the permit authorizing possession and transportation of shells, cartridges, bombs or weapons is displayed to the seller and the information herein required is copied therefrom. This record shall be open to the inspection of any peace officer or other person designated by the director of the Nevada highway patrol.

598.060. *Sales of rifles, shotgun to residents of Nevada and contiguous states in accordance with provisions of federal law.* 1. Residents of the State of Nevada may purchase rifles and shotguns in states contiguous to Nevada if:

(a) Such residents conform to the applicable provisions of the federal firearms control law (18 U.S.C. § 921 et seq.) and any regulation promulgated thereunder.

(b) Such residents conform to the provisions of law applicable to such a purchase in Nevada and in the state where the purchase is made. * * *.

Carson City

8.20.020. *Sale of dangerous weapons to minors prohibited.* It shall be unlawful for any person, firm or association to sell or dispose of any dirk, dirk knife, sword, sword cane, billy, slung shot, revolver, pistol, gun or other dangerous or deadly weapon to any person under the age of twenty-one years. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding twenty dollars, or imprisonment in the city jail not exceeding ten days, or both such fine and imprisonment.

Clark County

12.04.010. *Definitions.* In this chapter, unless the context clearly requires otherwise, the following definitions shall apply and be effective:

Dealer: The term "dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

Firearms capable of being concealed. The term "firearm capable of being concealed" shall mean any gun, pistol, revolver or other firearm the barrel of which does not exceed twelve inches in length from which a dangerous projectile may be propelled by explosives,

springs, gas or air, as a means of propulsion.

12.04.020. *Dealing in pistols without permit unlawful.* It shall be unlawful within the unincorporated area of Clark County, for any person, except a dealer having a pistol permit issued under the provisions of this chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

12.04.030. *Business to which pistol permits may be issued.* Applications for pistol permits to buy, sell or accept pistols as security for loans under this chapter, shall be accepted only from hardware stores, gunsmith shops, sporting goods stores, antique gun dealers and pawn shops, licensed by Clark County.

12.04.050. *Persons prohibited from purchasing or owning pistols.* It shall be unlawful in the unincorporated area of Clark County, for any person to receive from another by loan, gift, purchase, or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof;

(b) Is a fugitive from justice;

(c) Is an unlawful user or seller of narcotics;

(d) Is a habitual drunkard;

(e) Is a member of an organization advocating criminal syndicalism * * *.

(f) Is foreign born and not a naturalized citizen of the United States;

(g) Has been adjudged insane in this state or any other state and has not subsequently been adjudged sane.

12.04.060 *Prohibited sales and transfer of a pistol.* It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages;

(b) Is mentally ill or disturbed;

(c) Is seventeen years of age or under;*

(d) Is a person prohibited from purchasing a pistol as provided in Section 12.04.050.

12.04.070. *Certain persons prohibited from purchasing or owning pistols.* It shall be unlawful for any person who is included in any one or more of the categories set forth in Section 12.04.050 of this chapter, to receive from another by loan, gift, purchase or in any other manner, or in any manner whatsoever, to attempt to obtain, or have in his or her possession or control, any pistol; provided, however, that a person under the age of eighteen years may have a pistol in his or her possession, or under his or her control, while accompanied by or under the immediate charge of his or her parent, guardian, or other responsible adult, and while engaged in hunting or target practice or other lawful purpose.

12.04.080. *Time between sale and delivery of pistol.* When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser. When delivered, all pistols must be securely wrapped and be unloaded, and must be accompanied by a receipt signed by the dealer, setting forth the name, address, and description of the purchaser or transferee, a complete description of the pistol (including the manufacturer, model and manufacturer's serial number thereof), the date and time of sale, and the date and time of delivery, of such pistol, and advise to the purchaser or transferee that the pistol must be registered with the sheriff within twenty-four hours.

12.04.090. *Exceptions to Section 12.04.080.* The aforesaid seventy-two hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency; or a peace officer of the state of Nevada or any political subdivision thereof, regularly employed for pay by the state or such subdivision; or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County. And said waiting period shall not apply to any person who requires the use of a pistol in connection with his employment, and who receives written permission from the sheriff with express waiver of the waiting period; however, all of the other provisions herein shall apply to any such sales.

12.04.120. *Sale or possession of certain pistols prohibited.* It shall be unlawful to purchase, sell, or in any manner to transfer, or have in possession or control, any pistol on which the name of the manufacturer, or the model, or the manufacturer's serial number has been removed, obliterated, concealed, or altered.

12.04.140. *Sale of foreign made pistols with ammunition restricted.* No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

12.04.150. *Sale of homemade pistols prohibited.* No homemade pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

12.04.160. *Condition of pistols sold.* All secondhand and used pistols, except antique pieces, sold or purchased, shall be in a safe and operable condition.

12.04.170. *Unlawful to permit persons under eighteen years to have possession or control of pistol.* It shall be unlawful within the unincorporated area of Clark County, for any person to aid, or knowingly permit, another under eighteen years of age to handle, or have in his or her possession, or under his or her control, any pistol, except while accompanied, by or under the immediate charge of, his or her parent, guardian, or other responsible adult and while engaged in hunting, target practice, or other lawful purpose.

12.04.200. *Registration of firearms capable of being concealed.* It is hereby made unlawful for any person to own or have in his possession, within the unincorporated area of Clark County, a gun, pistol, revolver, or other firearm capable of being concealed unless the same has first been registered with the sheriff or with a police department of any of the incorporated cities of Clark County.

12.04.210. *Unlawful transfer of firearms capable of being concealed. It shall be unlawful* for any person to sell, give away, or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferor thereof first registers, or causes said weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

Henderson

4. It shall be unlawful for any person to sell, give away or permanently pass possession of a gun, pistol, revolver or other firearm without first having the weapon registered to the new owner thereof, with the Chief of Police of the City of Henderson, Nevada, by the seller, giver or person permanently passing possession thereof.

Las Vegas

6-4-1. *Pistol defined.* The term "Pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve inches (12") in length including revolvers, automatics, derringers and like weapons from which a dangerous projectile may be propelled by means of explosives, springs, gas or air, except any smooth bore pistol designed and manufactured exclusively for propelling BB shot not exceeding .177 caliber by means of springs, gas or air.

6-4-2. *Person defined.* The term "Person" shall mean any individual, partnership, association or corporation.

6-4-3. *Dealer defined.* The term "Dealer" shall mean any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

6-4-4. *Dealing in pistols without permit unlawful.* It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

6-4-7. *Sales to certain persons prohibited.* It shall be unlawful for a dealer or any other person to sell, lease, rent or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe is included within any one or more of the following categories:

A. Who is under the age of 18 years.

B. Who is under the influence of intoxicating beverages.

C. Who is a fugitive from justice.

D. Who has been convicted of a felony in the State of Nevada or any State or territory of the United States or any political subdivision thereof.

E. Who is an unlawful user or seller of narcotics.

F. Who is a member of an association advocating criminal syndicalism as defined in Section 203.160 through 203.190 of the Nevada Revised Statutes.

G. Who is foreign born and not a naturalized citizen of the United States of America.

H. Who has been adjudged insane in this State or elsewhere and has not subsequently been adjudged sane by a court of competent jurisdiction.*

6-4-8. *Certain persons prohibited from purchasing or owning pistols.* It shall be unlawful for any person who is included within any one or more of the categories set forth in Section 7 of this Chapter, to receive from another by loan, gift, purchase or in any manner, or to attempt to obtain in any manner or have in his or her possession or control any pistol; provided, however, that a person under the age of 18 years may have a pistol in his or her possession or under his or her control while accompanied by or under the immediate charge of his or her parent, guardian, or responsible adult and while engaged in hunting or target practice or other lawful purpose.

6-4-9. *Seventy-two hours must elapse between sale and delivery of pistol.* When any

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

sale of a pistol is made by a dealer under this Chapter, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser, and when delivered, all pistols must be securely wrapped, must be unloaded and must be accompanied by a receipt, signed by dealer, setting forth the name, address and description of the purchaser or transferee, a complete description of the pistol, including the manufacturer, model and manufacturer's serial number thereof, the date and time of sale and the date and time of delivery of such pistol, and a statement notifying the purchaser or transferee that said pistol must be registered with the Chief of Police within twenty-four (24) hours.

The aforesaid seventy-two (72) hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency, that he is a peace officer of the State of Nevada or any political subdivision thereof who is regularly employed for pay by the State or such subdivision, or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County, Nevada, nor shall said waiting period apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive said waiting period; provided, however, that all of the other provisions shall apply to any of such sales.

6-4-12. *Sale or possession of certain pistols prohibited.* It shall be unlawful to purchase, sell, or to transfer in any manner or to have in possession or control any pistol on which the name of the manufacturer, model or manufacturer's serial number has been removed or altered.

6-4-14. *Sale of foreign made pistols with ammunition restricted.* No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly made for the pistol.

6-4-15. *Sale of home-made pistols prohibited.* No home-made pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

6-4-16. *Condition of pistols sold.* All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe and first class condition.

6-4-17. *Unlawful to permit persons under 18 years to have possession or control of pistol.* It shall be unlawful for any person to aid or knowingly permit another under the age of 18 years to handle or have in his or her possession or under his or her control any pistol except while accompanied by or under the immediate charge or his or her parent, guardian or responsible adult and while engaged in hunting, target practice or other lawful purpose.

North Las Vegas

7.22.100. *Furnishing minor with ammunition.* It is unlawful for any person to sell, offer to sell or to give or lend any minor under the age of eighteen years any ammunition for any firearms.*

7.23.010. *Definitions.* Unless the context clearly requires otherwise, the following definitions shall apply and be effective in this chapter.

Dealer. The term "dealer" shall mean any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans as set forth herein.

Pistol. The term "pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve inches in length including revolvers, automatics and derringers from which a dangerous projectile may be propelled by explosives.

7.23.020. *Dealer's license.* It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this chapter, to engage in the business of buying or selling pistols at retail or wholesale or to lease or to pledge or accept any pistol as security for a loan.

7.23.030. *Sales business restricted.* Application for a pistol permit shall be accepted only from the owners of licensed antique gun dealers, gunsmith shops, hardware, stores, pawnshops, secondhand stores and sporting goods stores where pistols may be sold or purchased in compliance with this chapter.

7.23.080. *Waiting period.* When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser and, when delivered all pistols must be unloaded.

This section shall not apply to Federal law enforcement agencies or to a police officer of the state of Nevada or any subdivision thereof who is regularly employed and paid by the state or subdivision, or to any person who currently owns a pistol which is duly registered in his name with any law enforcement agency of Clark County or who has a currently valid permit to carry a concealed pistol, nor shall it apply to any person who requires the use of a pistol in his employment and receives written permission from the chief of police to waive the seventy-two hour waiting period.

7.23.110. *Satisfactory pistol identification required.* It shall be unlawful to purchase, sell or to transfer in any manner, or to have in possession or control, any pistol on which the name of the manufacturer, model and manufacturer's serial number has been removed or altered unless, if upon presentation for registration, the pistol can otherwise be identified to the satisfaction of the chief of police, in which case the means of identification shall be noted upon the registration card.

7.23.120. *Persons prohibited from purchasing or owning pistols.* It shall be unlawful for any person to receive from another by loan, gift, purchase or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof.

(b) Is a fugitive from justice.

(c) Is an unlawful user or seller of narcotics.

(d) Is an hibitual drunkard.

(e) Is a member of an organization advocating criminal syndicalism * * *.

(f) Is foreign born and not a naturalized citizen of the United States of America.

(g) Has been adjudged insane in this state or any other state and has not subsequently been adjudged sane.

7.23.130. *Prohibited sales and transfers of pistols.* It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages.

(b) Is mentally ill or disturbed.

(c) Is under eighteen years of age.

(d) Is a person prohibited from purchasing a pistol as provided in Section 7.23.120.*

7.23.150. *Sales of foreign made pistols.* No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

7.23.160. *Homemade pistols prohibited.* No homemade pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

7.23.170. *Condition of pistols sold.* All secondhand and used pistols except antique pieces, sold or purchased shall be in a safe, operable condition.

7.23.200. *Blank cartridge pistols prohibited.* Possession, transportation, sale or use of a blank cartridge pistol, except for theatrical purposes or for the training or exhibiting of dogs or for signal purposes in athletic sports or by railroads for signal purposes or for use by the United States Armed Forces or any organization of war veterans or by peace officers, is prohibited.

NEW HAMPSHIRE

State Law

N.H.R.S.A. CHAPTER 159

159:1. *Definition.* Pistol or revolver, as used herein, means any firearm with barrel less than sixteen inches in length. It does not include antique pistols or revolvers. An antique pistol or revolver, for the purposes of this chapter, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

159:3. *Possession by aliens; felons.* No unnaturalized foreign-born person, and no person who has been convicted of a felony against the person or property of another, shall own or have in his possession or under his control a pistol or revolver, except as hereinafter provided. Whoever violates the provisions of this section shall be imprisoned not more than two years, and upon conviction the pistol or revolver shall be confiscated and destroyed.

159:7. *Permit to purchase.* No person shall sell, deliver or otherwise transfer a pistol or revolver to a person who is an unnaturalized foreign-born person, or has been convicted of a felony against the person or property of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery is made the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address and nationality, the date of sale, the caliber, make, model and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Whoever violates the provisions of this section shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

159:8. *License to sell.* The selectmen of a town and the chief of police of a city may

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

grant licenses, the form of which shall be prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the licensee shall be subject to forfeiture:

III. No pistol or revolver shall be delivered to a purchaser not personally known to the seller or who does not present clear evidence of his identity; nor to an unnaturalized foreign-born person or a person who has been convicted of a felony unless he has a permit as required by section 7.

159:11. *False information.* If any person in purchasing or otherwise securing delivery of a pistol or revolver shall give false information or offer false evidence of his identity he shall for a first offense be fined not less than one hundred dollars and not more than five hundred dollars, and for a second or subsequent offense he shall be imprisoned not less than one year and not more than three years.

159:12. *Sale to minors.* Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be fined not more than one hundred dollars, or imprisoned not more than three months, or both. This section shall not apply to fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

159:13. *Changing marks.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed or obliterated shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same. Whoever violates the provisions of this section shall be fined not more than two hundred dollars, or imprisoned not more than one year, or both.

N.H.R.S.A. CHAPTER 159-A

159-A:1. *Purchase in contiguous states.* Residents of the state of New Hampshire may purchase rifles and shotguns in a state contiguous to the state of New Hampshire, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of New Hampshire and in the contiguous state in which the purchase is made.

N.H.R.S.A. CHAPTER 644

644:15. *Furnishing Arms to Persons Under Sixteen.* Any person who shall sell, barter, hire, lend or give to any person under the age of sixteen years any cartridges or shotshells suitable for discharging in any rifle, pistol, revolver or shotgun shall be guilty of a violation. This section shall not apply to fathers, mothers or guardians of such children.*

NEW JERSEY

State Law

N.J. STATS. ANN.

2A:151-1. *Definitions.* The following definitions apply to this chapter:

a. Firearm or firearms includes any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.

b. Pistol or revolver includes any firearm with an over-all length less than 26 inches, or a shotgun having a barrel or barrels of a length less than 18 inches, or a rifle having a barrel length less than 16 inches.

c. Rifle and shotgun includes all other firearms with over-all length of 26 inches or greater, provided the length of the barrel or barrels, if a shotgun, is 18 or more inches, and if a rifle is 16 or more inches but does not include machine guns or automatic rifles as defined in section 2A:151-49.

d. Person includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural as well as the singular and any gender.

i. Explosive includes any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States pharmacopeia.

2A:151-2. *Pawnbrokers not to deal in weapons.* Any pawnbroker who sells or possesses for sale or to lend or give away, any firearm or dangerous instrument of any kind usually known as a blackjack, sling shot, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife or knife as defined in chapter 5, laws of 1952 (C. 2A:151-62), stiletto, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal filings, razor blades imbedded in wool slivers, handcuffs, iron claws, grenade, bomb or other explosive is guilty of a high misdemeanor.

2A:151-5. *Additional sentence for armed criminals.* Any person who commits or attempts to commit an assault, robbery, larceny, burglary, breaking and entering, rape, murder, mayhem, arson, abduction, extortion, kidnapping, sodomy or treason, or who is a fugitive from justice, when armed with or having in his possession any firearm, whether or not capable of being discharged or dangerous instrument of any kind usually known as a blackjack, sling shot, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife or knife as defined in chapter 5 of the laws of 1952 (C. 2A:151-62), razor, stiletto, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal filings, razor blades imbedded in wood slivers, handcuffs, iron claws, grenade, bomb or other explosive or any object or device, whether toy or imitation, having an appearance similar to or capable of being mistaken for any of the foregoing, shall, in addition to the punishment provided for the crime, be punished on a first conviction by imprisonment for not less than one nor more than 10 years; upon a second conviction by imprisonment for not less than 3 nor more than 15 years; upon a third conviction by imprisonment for not less than 5 nor more than 20 years; and upon a fourth or subsequent conviction, by imprisonment for not less than 10 years nor more than for life, in the discretion of the court. No such additional punishment shall be imposed unless the indictment shall have averred that the person was armed with or had in his possession any such instrument and conviction was had thereon.

2A:151-8. *Persons not to have firearms or dangerous instruments.* Any person, having been convicted in this state or elsewhere of any crime enumerated in section 2A:151-5, whether or not armed with or having in his possession any firearm or dangerous instruments enumerated in section 2A:151-5, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a narcotic or controlled dangerous substance as defined in article 2 of Public Laws 1970 Chapter 226 (c24:21-3 et seq.), who purchases, owns, possesses or controls any firearm or any of the said dangerous intruments, is guilty of a misdemeanor.

2A:151-9. *Sale of weapons to certain persons forbidden.* Any person shall have the right to refuse to sell any firearm or dangerous instrument to any other person, provided however that any person who knowingly sells any firearm to a person who does not possess and exhibit to the seller a permit to purchase in the case of a pistol or revolver or a firearms purchaser identification card in the case of a rifle or shotgun; or where the seller has reason to believe that the person is of unsound mind or suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, is guilty of a misdemeanor. The presentation of a permit for the purchase of a pistol or revolver, or the signing of a certification and presentation of a firearms purchaser identification card for the purchase of a rifle or shotgun as set forth in section 2A:151-32, shall be prima facie evidence of compliance with the requirements of this chapter.

2A:151-10. *Sale of weapons or explosives to minors; exceptions.* Any person who knowingly offers, sells, lends, leases or gives to any person under the age of 18 years, any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives or a toy pistol or other instrument from which a loaded or blank cartridge may be fired, or any loaded or blank cartridge therefor, is guilty of a misdemeanor; provided however that a person may lend a firearm to a minor who may borrow same for the purpose of carrying, firing or using said firearm under section 2A:151-11, and provided further said minor furnishes the owner with written consent to his use thereof by his parent or legal guardian.

2A:151-10.1. *Sale of weapons or explosives to minors; liability for civil damages.* Any person who knowingly offers, sells, lends, leases or gives such explosives, chemical compounds, ingredients or instructions in violation of this act shall be liable for personal injury and property damage resulting from such violation, if the injury or damage is caused by an explosion for which a person under 18 years of age is directly responsible. In a suit for damages under this act, the doctrines of assumption of the risk and con-

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

tributory negligence shall not be a defense to bar recovery by any person.

Nothing in this act shall be construed so as to prevent the use of materials in the teaching of science or related subjects in public or private elementary or secondary schools or institutions of higher education or the free circulation of books and materials from public libraries, reading rooms or the libraries of duly incorporated educational or scientific foundations.

2A:151–11. *Unlawful acquisition of firearms or explosives by minors; exceptions.* Any person under the age of 18 years who purchases, barters, borrows, acquires or exchanges any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, is guilty of a misdemeanor or an act of juvenile delinquency as may be provided otherwise in the statutes; except that any such person may carry, fire or use any firearm in the actual presence or under the direct supervision of his father, mother, guardian or some other person who is himself a holder of a permit to carry a pistol or revolver or a firearms purchaser identification card, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, or for the purpose of competition or target practice in and upon a firing range approved by the governing body or chief of police of the municipality in which such range is located or the National Rifle Association and which is under competent supervision at the time of such competition or target practice, and except further that a minor under the age of 18 years who has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and carries in his possession a certificate indicating the successful completion of such a course and has a valid hunting license in his own name, may carry and use a rifle or shotgun as otherwise provided in this chapter, for the purpose of hunting during the regularly designated hunting season.

2A:151–12. *Manufacture or sale of dangerous instruments prohibited.* a. Any person who manufactures or causes to be manufactured, or sells or keeps for sale, or offers, gives or disposes of any dangerous instrument of the kinds usually known as a sling shot, slung shot, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, knife as defined in chapter 5 of the laws of 1952 (C. 2A:151–62), stiletto, grenade, bomb, or other explosive, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal filing, razor blades imbedded in wood slivers, to any person, except in accordance with federal or state law is guilty of a misdemeanor.

2A:151–14. *Silencers forbidden.* Any person who manufactures, sells, purchases or possesses, except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged, is guilty of a misdemeanor.

2A:151–15. *Altering serial number, etc., of firearm; sale.* Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number, or other mark of identification of any firearm; and any person who sells, leases or transfers any firearm whose serial number has been altered, changed, disfigured or defaced is guilty of a misdemeanor.

2A:151–18. *Antiques and ornaments excepted.* This chapter does not apply to antique firearms which are incapable of being fired or discharged or which do not fire fixed ammunition, or those manufactured before 1898 for which cartridge ammunition is not commercially available, and are possessed as curiosities or ornaments or for their historical significance or value.

2A:151–24. *Conditions.* d. No pistol or revolver shall be delivered to any person:

1. Unless the person has obtained a permit to purchase under the provisions of sections 2A:151–32 through 2A:151–39;

2. Until 7 days have elapsed after date of the application for the permit;

3. Unless the person either is personally known to the seller or presents evidence of his identity;

4. Unless the pistol or revolver is unloaded and securely wrapped;

f. No rifle or shotgun shall be delivered to any person;

1. Unless the person has obtained a firearms purchaser identification card under the provisions of this chapter;

2. Unless the person has exhibited his firearms purchaser identification card and furnished the seller, on a form prescribed by the superintendent, a certification signed by him which shall contain among other things the name, permanent home address and firearms purchaser identification card number of said person. The certification shall be retained by the dealer and shall for law enforcement purposes be made available for inspection by regular police officers of an organized police department of the county in which the retail business is located, county prosecutors and members of their staffs authorized by them, and members of the state police.

2A:151–28. *Duplicate copies to be delivered.* Within 5 days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and to the superintendent, legible copies of the entries in the register on the duplicate copies of the register forms. If hand delivered a receipt shall be given to the dealer therefor.

Where a sale, assignment or transfer is made to a purchaser who resides in a municipality having no chief of police, the dealer shall, within 5 days of the transaction, mail a duplicate copy of the register sheet to the clerk of the county within which the purchaser resides.

2A:151–32. *Permit and purchaser identification card required.* A. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase or otherwise acquire a pistol or revolver unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a pistol or revolver as provided by this article.

B. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first, exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of section 2A:151–33, and shall contain his name, address and firearms purchaser identification card number of dealer's registration number, and which shall be retained by the seller as provided in section 2A:151–24, provided that a person who is not a dealer may file the certification with the chief of police of the municipality in which he resides or with the superintendent.

2A:151–33. *Permit to purchase; identification card; who may obtain.* No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section of other sections of this chapter, shall be denied a permit to purchase a pistol or revolver or a firearms purchaser identification card, except as hereinafter set forth:

a. No pistol or revolver purchase permit or firearms purchaser identification card shall be issued to any person who has ever been convicted of any crime, to any drug dependent person as defined in P.L. 1970, Chapter 226 (c24:21–2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard; or

b. To any person who suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic, unless any of the foregoing persons produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; or

c. To any person under the age of 18 years; or*

d. To any person where the issuance would not be in the interest of the public health, safety or welfare.

2A:151–34. *Permit or identification card; issuance.* The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent in all other cases shall, upon application, issue to any person qualified under the provisions of section 2A:51–33, a permit to purchase a pistol or revolver or a firearm purchaser identification card.

2A:151–36. *Granting of permit, identification card; fee; validity.* The application for the permit to purchase a pistol or revolver, or for the firearms purchase identification card, together with a fee of $2.00 shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 10 days from the date of receipt of the application for residents of this state and within 15 days for nonresident applicants. A permit to purchase a pistol or revolver shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid permanently or until such time as the holder becomes subject to any of the disabilities set forth in section 2A:151–33, whereupon the card shall be void and shall be returned within 5 days by the holder to the superintendent, who shall then advise the licensing authority.

2A:151–39. *Number of weapons permitted.* A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

on each permit, except that a person shall not be restricted as to the number of rifles or shotguns he may purchase provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in section 2A:151-32B for each transaction.

2A:151-48. *False representations in applications or in purchases.* Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card or a permit to purchase or a permit to carry a pistol, revolver, or other firearm, or in completing the certificate or any other instrument required by this act in purchasing or otherwise acquiring delivery of any rifle, shotgun, pistol, revolver or other firearm, is guilty of a high misdemeanor.

2A:151-49. *"Machine gun or automatic rifle" defined.* The term "machine gun or automatic rifle," as used in this chapter, means any weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition, which can be loaded into the weapon, mechanism or instrument and fired therefrom.

2A:151-50. *Sale, purchase or possession of machine guns; penalty.* Any person who sells, gives, loans, furnishes or delivers a machine gun or automatic rifle to another person, or a person who purchases, has or possesses any machine gun or automatic rifle, is guilty of a high misdemeanor.

2A:151-51. *Exceptions to section 2A:151-50.* Section 2A:151-50 of this title does not apply to any person having a license to purchase, have and possess a machine gun or automatic rifle, when the license has been obtained in the manner hereinafter provided; nor to the authorized agents or servants of the licensee; nor to the officers and members of a duly authorized military organization; nor to the officers and members of the police force of any municipality, or of the state; nor to any sheriff or undersheriff; nor to any county prosecutor, his assistants, detectives and employees.

2A:151-52. *License to procure machine gun; application; reference and approval; issue of license.* Any person who desires to purchase, have and possess a machine gun or automatic rifle may apply to a judge of the county court of the county in which the applicant resides for a license to do so. The application shall be in writing and shall state in detail the reasons why the applicant desires a license. Upon the application being presented to the judge, he shall refer it to the sheriff of the county or to the chief police officer of the municipality in which the applicant resides, for his investigation and approval. If the application is approved by the sheriff or chief police officer, the judge may issue a license under his hand and the seal of the court to the applicant to purchase, have and possess a machine gun or automatic rifle, for his own protection and for the protection of his servants and employees.

2A:151-55. *False representations in permit applications or in purchases.* Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a permit to purchase or possess a machine gun or automatic rifle, or in purchasing or otherwise acquiring delivery thereof, is guilty of a high misdemeanor.

2A:151-58. *Possession or carrying of bombs.* Any person, except a duly appointed law enforcement officer, or a member of the armed forces of the United States, or of the national guard or organized reserves when on duty, who possesses or carries on or about his person or in a vehicle, any bomb or bombshell, except for blasting or other commercial use, is guilty of a high misdemeanor.

2A:151-59. *Possession of bombs, molotov cocktails with intent to use unlawfully; as evidence of intent; exceptions.* Any person who has in his possession or control any shell, bomb or similar device charged or filled with one or more explosives or any bomb or device commonly known as a fire bomb, "molotov cocktail," or any container charged or filled with an explosive, combustible or incendiary substance, with intent to use the same or cause the same to be used for an unlawful purpose, is guilty of a high misdemeanor, and shall be punished by imprisonment in the State Prison for not more than 25 years.

"Molotov cocktail" as used in this amendment means a breakable container containing flammable liquid and having a wick or similar device capable of being ignited, but is not intended to mean a device commercially manufactured primarily for the purpose of illumination, or other such uses.

The possession, sale or control by a person or persons of any such device or container so charged or filled, is prima facie evidence of an intent to use the same or to cause the same to be used for an unlawful purpose.

This section does not apply to the regular Armed Forces of the United States or its Allies, or to the duly authorized militia of any State or territory thereof, or to the police or fire departments of this State or any municipality or county thereof, provided they are acting in their official capacity and in the performance of their duties; nor does this section apply to explosives or combustibles or incendiary substances while the same are being transported in conformity with the regulations adopted by the interstate commerce commission.

2A:170-17. *Persons possessing ammunition, explosive missiles, fuses, etc., to notify police; presentation for inspection.* Any person who has or becomes the possessor of any ammunition, explosive missile, shell, projectile, fuse designed for use with any weapon, or other explosive weapon, which is loaded or as to which it cannot be determined by casual inspection whether or not it is loaded, except such as is possessed for any lawful commercial or other purpose in connection with which the use of explosives is authorized, or is suitable for use in a pistol, revolver, shotgun or rifle, shall notify the police authorities of the municipality in which he resides or the state police that the same is in his possession and shall present the same to them for inspection.

Belleville

1. *The manufacture, storage or display for sale* at retail or wholesale, or the sale at retail or wholesale of fireworks and cartridges, is hereby prohibited within the limits of the Town of Belleville, in the County of Essex.

3. *The storage or display for the sale* at retail or wholesale, or the sale at retail or wholesale of cartridges whether loaded or blank, is prohibited within the limits of the Town of Belleville, in the County of Essex.

7. The within ordinance shall not prohibit the sale or storage of bullets or cartridges for hunting purposes, when sold in stores that deal in sportsmen and hunting equipment.

Clementon

28. *Sell, barter, give or distribute* any ammunition of an explosive nature for firearms or any pistol, rifle, shotgun or firearm of any description or kind to any person or child under the age of twenty-one years.

Cresskill

246-5. *Purchasing or selling a firearm.* Any resident of the Borough of Cresskill purchasing or selling a firearm of any description within the Borough of Cresskill shall report the same forthwith to the Chief of Police, giving a full and complete description of said firearm.

Deal

5-7.1 *Definitions.* a. Firearms includes any pistol, revolver, shotgun, machine gun, automatic and semi-automatic rifle, or other firearm as the term is commonly used, or any gun, bow, arrow, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, arrow, dart, missile or bullet, or any gas, vapor or other noxious thing by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. * * *

5-7.3 *Compliance with State Statute.* No person shall possess, carry, sell, exchange, store or retain any firearm or other device as defined above except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Fairlawn

12.3 *Permits required.* a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

12.5. *General Requirements.* a. The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, * * *, shall be prohibited unless such manufacture is authorized by the Chief of the Bureau of Fire Prevention. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

Glassboro

69-3. *Permits required to sell or store ammunition and gunpowder.* No person, firm or corporation shall sell or store gunpowder, gun shells or cartridges without having first obtained a permit from the Chief of the Fire Department, who shall inspect the place where same is to be kept.

Irvington

22-14. *Same—Parents, etc., not to purchase for minors under sixteen or permit such minors to purchase, possess.* * * * No parent, guardian, or person standing in loco parentis of any minor under the age of sixteen years shall purchase for such minor or shall knowingly permit such minor, who is in his care or custody, to purchase, have, hold, possess, own, * * * any of the articles or guns or devices described in section 22-13.*

Kenilworth

1. Except as hereinafter excepted, no person shall discharge or use any air rifle, air gun, spring gun, slingshot, bow and arrow, shotgun or firearm of any kind, or any other missile projecting device or contrivance of any kind within the Borough of Kenilworth.

2. No parent, guardian, or person, standing in loco parentis of any minor under the age of sixteen (16) years shall purchase for such minor or shall knowingly permit such minor, who is in his or her care or custody to purchase, have, hold, possess, own, any of the articles or guns or devices described in Section 1.*

* NOTE.—Licensees under the Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

Lincoln Park

1. *The storage and sale of fire works, gun powder and ammunition* in the Borough of Lincoln Park shall be subject to the following rules and regulations:

A permit for the storage and sale of fire works, gun powder and ammunition must be obtained from the Clerk of the Borough. All such permits shall expire on the first day of January after the issuance thereof. All permits issued as aforesaid shall be exposed in a conspicuous place in the place of business of the applicant.

No blank cartridge pistol or blank cartridge shall be sold or kept in stock; no pistol or fire arm of any description shall be sold to anyone under the age of fifteen years.**

Manasquan

II. No person shall possess, carry, sell, exchange, store or retain any firearm or other device as defined in Section I hereof, except in accordance with the provisions of 2A:151–1 through 2A:151–55 of the Revised Statutes of New Jersey.

Millburn

25–1–7. *Regulations concerning minors; responsibility of father or guardian.* No person shall knowingly offer, sell, lend, lease or give to any person under the age of eighteen years any machine gun, automatic rifle, revolver, pistol or other firearm, or other instrument of any kind known as a black-jack, slingshot, billy, sand-club, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive, or any instrument or weapon commonly known as a toy pistol in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges for any such pistol. No persons under the age of eighteen years shall purchase, barter or exchange any gun, pistol, toy pistol or other firearm, or any instrument or weapon in which any loaded or blank cartridges may be used, * * *.

Northfield

1. *That from and after the passage of this ordinance,* it shall be unlawful for any person, persons or corporation, to offer for sale, make sale of or use, any gun or guns, pistol or pistols, firearms or fireworks, of any description whatsoever, within the limits of the City of Northfield, without a special permit or license therefor.

Paulsboro

35–1. *Permission for use required.* It shall be unlawful to sell or use within the limits of the Borough of Paulsboro, at any time, any blank cartridge, pistol or gun, cap pistol or gun, cartridge cannon, toy gun, pistol or cannon firing an explosive of any kind or character, firecrackers, cap bombs, torpedoes, skyrockets, roman candles, pinwheels, sparklers or any other article, apparatus or device within the general category of fireworks, and fireworks of all kinds and descriptions, without permission first had and obtained in writing for the same * * *.

Pine Hill

1. *Prohibited acts and conduct.* A. No person shall, within the limits or bordering the limits of the Borough of Pine Hill: * * *

(28) *Sell, barter, give or distribute* any ammunition of an explosive nature for firearms or any pistol, rifle, shotgun or firearm of any description or kind to any person or child under the age of twenty-one (21) years.

Piscataway

7–7–1. *It shall be unlawful* for any person to carry or possess a loaded gun or any firearm until licensed or authorized by State or Federal Authorities, or both.

Prospect Park

136.1. That it shall be unlawful to exhibit for sale or sell any pistols, cap pistols, firearms or fireworks of any and all descriptions within the limits of the Borough of Prospect Park.

Sea Girt

41–1. *Definitions.* "Firearm or Firearms"—Includes any pistol, revolver, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon, from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. The term "firearm" or "firearms" shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol, carbon dioxide or compressed-air gun or pistol, or any other device which employs as a propelling force a spring, elastic band, carbon dioxide, compressed or other gas, vapor or compressed air, and which is capable of ejecting any bullet, pellet or missile whatsoever with sufficient force to injure a person.

"Person"—Includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; the plural as well as the singular in any gender.

41–3. *Possession or sale prohibited; exception.* No person shall possess, carry, sell exchange, store or retain any firearm or other device as defined in § 41–1 hereof except in accordance with the provisions of 2A:151–1 through 2A:151–55 of the Revised Statutes of New Jersey.

Tenafly

4. *Any purchase or sale* of a firearm of any description within the Borough of Tenafly shall be made in compliance with the Laws of the State of New Jersey applicable thereto.

Winfield

5. *An ordinance to regulate the manufacture, storage, sale, keeping or conveying of gun powder, nitroglycerine, dynamite and other explosives.* 1. No person, firm or corporation shall manufacture, store, sell, keep or convey gun powder, nitroglycerine, dynamite or other explosives within the limits of this Township.

6. *An ordinance to regulate and prohibit the sale and use of guns, pistols, fire arms, and fire works.* 1. No person, firm or corporation shall sell or use guns, pistols, fire arms or fire works within this Township without having previously obtained a permit for same from the Township authorities.

NEW MEXICO

State Law

40A–7–8. *Firearms—Sale and purchase.* Residents of states contiguous to New Mexico may purchase firearms in New Mexico. Residents of New Mexico may purchase firearms in states contiguous to New Mexico.*

Alamagordo

5–6–4. *Transactions with minors.* It shall be the responsibility of each person or firm who buys, sells or loans money on second-hand or used firearms to ascertain whether or not the person with whom the transaction is consummated is a minor under the age of twenty-one (21) years and to report to the Chief of Police of the City any transaction with such minor.

Albuquerque

2.10. B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon for his child or ward.

Artesia

21.36. *Sale of firearms to minors.* No person shall sell, deliver or transfer to any person under the age of eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

Espanola

18. *Weapons—furnishing firearms, etc., to persons under sixteen.* It shall be unlawful for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, air gun or slingshot within the city.* *

19. *Same—possession or firearm by person under sixteen.* It shall be unlawful for any person under sixteen years of age to have in his possession any firearm, air gun or slingshot within the city, except that when such person is under the immediate supervision of an adult instructor or teacher such possession shall not be considered a violation of this section.

Grants

6–1–58 *Firearms—furnishing to minors.*—No person shall sell, loan or furnish to any minor below the age of sixteen any gun, pistol or other firearm within the limits of the Town, nor shall any person in the Town sell or give to any minor below the age of sixteen any explosive ammunition. * *

Las Cruces

G. *Sales to minors:* It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, air rifle, air gun or B-B gun or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Las Vegas

7–1–14. G. *Sales to minors.* It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, air rifle, air gun or B-B gun, or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Lovington

7–1–14. *Deadly weapons.* (g) *Sales to minors.* It is unlawful to give, sell, trade, barter

*NOTE: Because of the restrictions in the Federal Gun Control Law of 1968 (Public Law 90–618) the above legislation will authorize New Mexico residents to purchase only rifles and shotguns in contiguous states and not other types of firearms.

**NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

or exchange for anything of value any deadly weapon, air rifle, air gun or B-B gun, or ammunition for any firearm to any person under the age of eighteen years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Raton

9. F. *Unlawful sale of a deadly weapon* consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon for his child or ward.

Santa Fe

15–31. *Weapons—Furnishing firearms, etc., to persons under sixteen.* It shall be unlawful for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, air gun or slingshot within the city.*

Tatum

5.12. (g) *Sales to minors.* It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, air rifle, air gun or B-B gun, or ammunition for any firearm to any person under the age of eighteen (18) years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

NEW YORK

State Law

NEW YORK CONSOL. LAWS (McKINNEY'S) PENAL LAW

265.00. *Definitions.* As used in this article and in article four hundred, the following terms shall mean and include:

1. "Machine-gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machine gun.

2. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.

3. "Firearm" means any pistol, revolver, sawed-off shotgun or other firearm of a size which may be concealed upon the person.

6. "Dispose of" means to dispose of, give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

7. "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

8. "Gunsmith" means any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving or trueing, or who performs any mechanical operation on, any firearm or machine-gun.

9. "Dealer in firearms" means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of, any pistol or revolver. Dealer in firearms shall not include a wholesale dealer.

10. "Licensing officer" means in the city of New York the police commissioner of that city; in the county of Nassau the commissioner of police of that county; in the county of Suffolk the sheriff of that county except in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown, the commissioner of police of that county; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance.

11. "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

12. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

265.05. *Possession of weapons and dangerous instruments and appliances.* 1. Any person who has in his possession any explosive or incendiary bomb, bombshell, firearm silencer, machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use is guilty of a class D felony.

2. Any person who has in his possession any firearm which is loaded with ammunition, or who has in his possession any firearm and, at the same time, has in his possession a quantity of ammunition which may be used to discharge such firearm is guilty of a class D felony. Such possession shall not, except as provided in subdivision three of this section, constitute a felony if such possession takes place in such person's home or place of business.

3. Any person who has in his possession any firearm, gravity knife, switchblade knife, cane sword, billy, blackjack, bludgeon, metal knuckles, sandbag, sandclub or slungshot is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

4. Any person under the age of sixteen years who has in his possession any of the weapons, instruments, appliances or substances specified in the first three subdivisions of this section, or any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, or any gun, or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, or any dangerous knife, shall be adjudged a juvenile delinquent.

5. Any person not a citizen of the United States who has in his possession any dangerous or deadly weapon other than those prohibited to him in the first two subdivisions of this section is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

6. Any person who has in his possession a rifle or shotgun and who has been convicted anywhere of a felony or any one of the misdemeanors or offenses mentioned in section five hundred fifty-two of the code of criminal procedure is guilty of a class A misdemeanor.

NOTE: The pertinent provisions of section five hundred fifty-two of the code of criminal procedure referred to in subsection 6 of 265.05, above, are as follows:

4. (a) The following offenses defined in the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven: illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding escape from prison; that kind of disorderly conduct defined in subdivisions six and eight of section seven hundred and twenty-two of such former penal law; violations of sections four hundred eighty-three, four hundred eighty-three-b, four hundred eighty-four-h and article one hundred six of such former penal law; that kind of sodomy or rape which was designated as a misdemeanor; violation of section seventeen hundred forty-seven-d and seventeen hundred forty-seven-e of such former penal laws; any violation of any provision of article thirty-three of the public health law relating to narcotic drugs which was defined as a misdemeanor by section seventeen hundred fifty-one-a of such former penal law, and any violation of any provision of article thirty-three-A of the public health law relating to depressant and stimulant drugs which was defined as a misdemeanor by section seventeen hundred forty-seven-b of such former penal law.

(b) The following offenses defined in the penal law: Illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar's tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; that kind of loitering defined in subdivision three of section 240.35; endangering the welfare of a child; the offenses defined in article two hundred thirty-five; issuing abortional articles; permitting prostitution; promoting prostitution in the third degree; the offenses defined in article one hundred thirty; the offenses defined in article two hundred twenty.

7. Any person who has in his possession any explosive substance with intent to use the same unlawfully against the person or property of another is guilty of a class B felony.

8. Any person who knowlingly has in his possession a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm is guilty of a class D felony.

11. Any person who knowingly has in his possession a rifle, shotgun or firearm in or upon a building or the grounds, used for educational purposes, of any school, college or university without the written authorization of such educational institution, is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

265.10. *Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances.* 1. Any person who manufactures or causes to be manufactured any machine-gun is guilty of a class D felony. Any person who manufactures or causes to be manufactured any switchblade knife, gravity knife, billy, blackjack, bludgeon, metal knuckles, sandbag, sandclub or slungshot is guilty of a class A misdemeanor.

3. Any person who disposes of any machine-gun or firearm silencer is guilty of a class D felony. Any person who knowingly buys, receives, disposes of, or conceals a machine-gun or firearm which has been de-

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

faced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm is guilty of a class D felony.

4. Any person who disposes of any of the weapons, instruments or appliances specified in subdivision three of section 265.05 is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

5. Any person who disposes of any of the weapons, instruments, appliances or substances specified in subdivision four of section 265.05 to any other person under the age of sixteen years is guilty of a class A misdemeanor.

6. Any person who wilfully defaces any machine-gun or firearm is guilty of a class D felony.

265.20. Exemptions. a. Sections 265.05, 265.10, 265.15 and 270.05 shall not apply to:

1. Possession of any of the weapons, instruments, appliances or substances specified in sections 265.05 and 270.05 by the following:

(a) Persons in the military service of the state of New York when duly authorized by regulations issued by the chief of staff to the governor to possess the same, members of the division of state police, peace officers as defined in section one hundred fifty-four of the code of criminal procedure and persons appointed as railroad policemen pursuant to section eighty-eight of the railroad law.

(b) Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

(c) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

2. Possession of a machine-gun, firearm, switchblade knife, gravity knife, billy or blackjack by a warden, superintendent, headkeeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or detained as witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

3. Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00.; provided, that such a license shall not preclude a conviction for the offense defined in subdivision ten of section 265.05.

4. Possession of a rifle, shotgun or longbow for use while hunting, trapping or fishing, by a person, not a citizen of the United States, carrying a valid license issued pursuant to article four, part four of the conservation law.

5. Possession of a rifle or shotgun by a person who has been convicted as specified in section 265.05, subdivision six to whom a certificate of good conduct has been issued pursuant to section two hundred forty-two, subdivision three of the executive law.

265.40. * * * It shall be lawful for a person or persons residing in this state to purchase or otherwise obtain a rifle and/or shotgun in a contiguous state, and to receive or transport such rifle and/or shotgun into this state; provided, however, such person is otherwise eligible to possess a rifle and/or shotgun under the laws of this state.

270.00. *Unlawfully dealing with fireworks.* 1. Definition of "fireworks." The term "fireworks," as used in this section, is defined and declared to be and to include any blank cartridge, blank cartridge pistol, or toy cannon in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, bombs, sparklers or other combustible or explosive of like construction, or any preparation containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, or other device containing any explosive substance. The provisions of this definition however, shall not be deemed to include (1) flares of the type used by railroads or any warning lights commonly known as red flares, or marine distress signals of a type approved by the United States Coast Guard or (2) toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

4. Sales of ammunition not prohibited. Nothing contained in this section shall be construed to prevent, or interfere in any way with the sale of ammunition for revolvers or pistols of any kind, or for rifles, shot guns, or other arms, belonging or which may belong to any persons whether as sporting or hunting weapons or for the purpose of protection to them in their homes, or, as they may go abroad; and manufacturers are authorized to continue to manufacture, and wholesalers and dealers to continue to deal in and freely to sell ammunition to all such persons for such purposes.

5. Notwithstanding the provisions of subdivison four of this section, it shall be unlawful for any dealer in firearms to sell any ammunition designed exclusively for use in a pistol or revolver to any person, not authorized to possess a pistol or revolver. The violation of this section shall constitute a class B misdemeanor.

400.00. *Licenses to carry, possess, repair and dispose of firearms.* 1. Eligibility. No license shall be issued or renewed pursuant to this section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant (a) of good moral character; (b) who has not been convicted anywhere of a felony or any one of the following misdemeanors or offenses.

(i) The following offenses defined in the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven; illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding escape from prison; that kind of disorderly conduct defined in subdivisions six and eight of section seven hundred and twenty-two of such former penal law; violations of sections four hundred eighty-three, four hundred eighty-three-b, four hundred eighty-four-h and article one hundred six of such former penal law; that kind of sodomy or rape which was designated as a misdemeanor; violation of section seventeen hundred forty-seven-d and seventeen hundred forty-seven-e of such former penal law; any violation of any provision of article thirty-three of the public health law relating to narcotic drugs which was defined as a misdemeanor by section seventeen hundred fifty-one-a of such former penal law, and any violation of any provision of article thirty-three-A of the public health law relating to depressant and stimulant drugs which was defined as a misdemeanor by section seventeen hundred forty-seven-b of such former penal law.

(ii) The following offenses defined in the penal law: Illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar's tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; that kind of loitering defined in subdivision three of section 240.35; endangering the welfare of a child; the offenses defined in article two hundred thirty-five; issuing abortional articles; permitting prostitution; promoting prostitution in the third degree; the offenses defined in article one hundred thirty; the offenses defined in article two hundred twenty; (c) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and (d) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply.

2. Types of licenses. A license for gunsmith or dealer in firearms shall be issued to engage in such business. A license for a pistol or revolver shall be issued to (a) have and possess in his dwelling by a householder; (b) have and possess in his place of business by a merchant or storekeeper; (c) have and carry concealed while so employed by a messenger employed by a banking institution or express company; (d) have and carry concealed while so employed by a regular employee of an institution of the state, or of any county, city, town or village, under control of a commissioner of correction of the city or any warden, superintendent or head keeper of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held at witnesses in criminal cases, provided that application is made therefor by such commissioner, warden, superintendent or head keeper; (e) have and carry concealed, without regard to employment or place of possession, by any person when proper cause exists for the issuance thereof; and (f) have, possess, collect, and carry antique pistols which are defined as follows: (i) any single shot, muzzle loading pistol with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898, which is not designed for using rimfire or conventional centerfire fixed ammunition; and (ii) any replica of any pistol described in clause (i) hereof if such replica—

(1) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(2) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

3. Applications. Applications shall be made and renewed, in the case of a license to carry

or possess a pistol or revolver, to the licensing officer in the city or county, as the case may be, where the applicant resides, is principally employed or has his principal place of business as merchant or storekeeper; and, in the case of a license as gunsmith or dealer in firearms, to the licensing officer where such place of business is located. Blank applications shall, except in the city of New York, be approved as to form by the superintendent of state police. An application shall state the full name, date of birth, residence, present occupation of each person or individual signing the same, whether or not he is a citizen of the United States, whether or not he complies with each requirement for eligibility specified in subdivision one of this section and such other facts as may be required to show the good character, competency and integrity of each person or individual signing the application. An application shall be signed and verified by the applicant. Each individual signing an application shall submit one photograph of himself and a duplicate for each required copy of the application. Such photographs shall have been taken within thirty days prior to filing the application. In case of a license as gunsmith or dealer in firearms, the photographs submitted shall be two inches square, and the application shall also state the previous occupation of each individual signing the same and the location of the place of such business, or of the bureau, agency, subagency, office or branch office for which the license is sought, specifying the name of the city, town or village, indicating the street and number and otherwise giving such apt description as to point out reasonably the location thereof. In such case, if the applicant is a firm, partnership or corporation, its name, date and place of formation, and principal place of business shall be stated. For such firm or partnership, the application shall be signed and verified by each individual composing or intending to compose the same, and for such corporation, by each officer thereof.

6. License: validity. Any license issued pursuant to this section shall be valid notwithstanding the provisions of any local law or ordinance. No license shall be transferable to any other person or premises. A license to carry or possess a pistol or revolver, not otherwise limited as to place or time of possession, shall be effective throughout the state, except that the same shall not be valid within the city of New York unless a special permit granting validity is issued by the police commissioner of that city. Such license to carry or possess shall be valid within the city of New York in the absence of a permit issued by the police commissioner of that city, provided that (a) the firearms covered by such license are being transported by the licensee in a locked container; and (b) the trip through the city of New York is continuous and uninterrupted. A license as gunsmith or dealer in firearms shall not be valid outside the city or county, as the case may be, where issued.

7. License: form. Any license issued pursuant to this section shall, except in the city of New York, be approved as to form by the superintendent of state police. A license to carry or possess a pistol or revolver shall have attached the licensee's photograph, and a coupon which shall be removed and retained by any person disposing of a firearm to the licensee. Such license shall specify the weapon covered by calibre, make, model, manufacturer's name and serial number, or if none, by any other distinguishing number or identification mark, and shall indicate whether issued to carry on the person or possess on the premises, and if on the premises shall also specify the place where the licensee shall possess the same. If such license is issued to an alien, or to a person not a citizen of and usually a resident in the state, the licensing officer shall state in the license the particular reason for the issuance and the names of the persons certifying to the good character of the applicant. Any license as gunsmith or dealer in firearms shall mention and describe the premises for which it is issued and shall be valid only for such premises.

12. Records required of gunsmiths and dealers in firearms. Any person licensed as gunsmith or dealer in firearms shall keep a record book approved as to form, except in the city of New York, by the superintendent of state police. In the record book shall be entered at the time of every transaction involving a firearm the date, name, age, occupation and residence of any person from whom a firearm is received or to whom a firearm is delivered, and the calibre, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on such firearm. Before delivering a firearm to any person, the licensee shall require him to produce either a license valid under this section to carry or possess the same, or proof of lawful authority as a peace officer or other exempt person pursuant to section 265.20. The licensee shall remove and retain the attached coupon and enter in the record book the date of such license, number, if any, and name of the licensing officer, in the case of the holder of a license to carry or possess, or the shield or other number, if any, assignment and department or unit, in the case of an exempt person. The record book shall be maintained on the premises mentioned and described in the license and shall be open at all reasonable hours for inspection by any peace officer. In the event of cancellation or revocation of the license for gunsmith or dealer in firearms, or discontinuance of business by a licensee, such record book shall be immediately surrendered to the licensing officer in the city of New York and county of Nassau, and elsewhere in the state to the executive department, division of state police.

NEW YORK CONSOL. LAWS (McKINNEY'S) VILLAGE LAW

89. *General powers of the board of trustees.* 58. Firearms and explosives. May prohibit, restrain, regulate and license the storage, sale or discharge of firearms, fireworks and other explosives and the explosion of gun powder and gun cotton.

NEW YORK CONSOL. LAWS (McKINNEY'S) GENERAL MUNICIPAL LAW

209-m. *Outside service by local police; civil disturbance control.* 6. a. Notwithstanding any inconsistent provision of law, general or special, in the event of natural disaster, rioting, catastrophe, or similar public emergency within the territorial limits of any local government, or in the event of reasonable apprehension of immediate danger thereof, and upon a finding by the chief executive officer thereof that the public safety is imperiled thereby, such chief executive officer may proclaim a state of emergency within any part or all of the territorial limits of such local government. Following such proclamation and during the continuance of such state of emergency, the chief executive officer may promulgate the following orders to protect life and property or to bring the emergency situation under control. Such orders may, within any part or all of the territorial limits of such local government, provide for:

(6) the regulation and control of the possession, storage, display, sale, transport and use of firearms, other dangerous weapons and ammunition;

(7) the regulation and control of the possession, storage, display, sale, transport and use of explosives, and flammable materials and liquids.

Binghamton

2. *Emergency powers.* Whenever the Mayor declares the existence of a state of special emergency, and during such period, the Mayor shall have the power and authority to invoke any or all of the following provisions, in whole or in part, which shall apply to all of the City or to the part or parts of The City of Binghamton so declared to be in a state of special emergency: * * *

C. *Weapons.* No person shall sell, purchase, use, carry or transport any firearm, rifle, shot gun, pistol, machine gun, cannon, revolver, zip gun, bow and arrow, slingshot, incendiary missile, Molotov cocktail, bomb, gasoline, kerosene, flammible liquid, dynamite, explosive, nitro glycerine, tear gas, chemical, hand grenade, rock, bottle, glass, sword, spear, knife, rumble chain, brick, club or any instrument of offensive or defensive combat, unless in the performance of his official duties or authorized by the Mayor or by the Binghamton Chief of Police.

Buffalo

1403. *License required for the possession and sale of fixed ammunition for small arms.* No person, firm or corporation shall store, keep for sale or offer for sale any fixed ammunition for small arms without a license from the director of licenses upon the approval of the chief of the bureau of fire prevention at wholesale or retail. The said license shall expire on December thirty-first of each year following the date of issuance. * * *.

Hempstead

6-57. *Permits for sale of ammunition.* (a) *Required; issuance.* Permits for the sale and storage for the sale of ammunition may be granted in the discretion of the village board. Application shall be made in writing to the village clerk; * * * Such permit shall apply only to the premises and persons stated and to the class and kind of ammunition mentioned therein and shall be subject to such conditions and restrictions as the board may prescribe.

Mount Vernon

78-15. *Prohibition against fire bombs or "Molotov Cocktails".* (a) Prohibition: No person or organization shall assemble, manufacture, produce, distribute, store or possess fire bombs or "Molotov Cocktails" or any similar devices which employ the use of gasoline or any other flammable or combustible substance. (b) Fire Bomb or "Molotov Cocktail" defined:—

A glass or other breakable or collapsible portable container in which is contained gasoline or other flammable or combustible liquid with a wick attached thereto, which upon impact will burn, explode or ignite. (c) Penalties: Any violation of a provision of this ordinance shall be punishable by a fine which shall not exceed $150.00 in amount or to imprisonment not exceeding 150 days, or to both fine and imprisonment. (d) The provisions contained in this section shall not apply to duly authorized members of the organized Militia of the State of New York or the Armed Forces of the United States.

New York City

436-5.0. *Firearms.*—a. Pistols or revolvers, keeping or carrying. 1. The commissioner shall grant and issue licenses and permits

hereunder pursuant to the provisions of section eighteen hundred ninety-six and nineteen hundred three of the penal law, which licenses and permits shall expire on December thirty-first of the year of issuance.

2. Every applicant for a license to have and possess a pistol or revolver in a dwelling or place of business in the city shall pay therefor a fee of twenty dollars for each year or part thereof and for each renewal or for replacement of a lost license a fee of ten dollars.

436–6.0. *Control and regulation of the disposition, purchase and possession of firearms, rifles and shotguns.* Definitions. Whenever used in this chapter the following terms shall mean and include:

1. "Firearm." Any pistol, revolver, sawed-off shotgun, rifle or other firearm of a size which may be concealed upon the person.

2. "Rifle." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

3. "Shotgun." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell, to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

4. *"Gunsmith."* Any person, firm, partnership, corporation, or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving, or trueing, or who in the course of such business performs any mechanical operation on any rifle, shotgun, firearm or machine gun, [except such person employed by any agency of government of the city, state, or nation, or employed in the repair or adjustment of arms for the United States military forces or any subdivision thereof. Gunsmith shall not include a wholesale dealer.]

5. "Dealer in firearms." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any pistol or revolver or other firearms which may be concealed upon the person. Dealer in firearms shall not include a wholesale dealer.

6. "Dealer in rifles and shotguns." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any rifle, or shotgun. Dealer in rifles and shotguns shall not include a wholesale dealer.

7. "Ammunition." Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shot gun or other dangerous weapon.

8. "Dispose of." To dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

9. "Deface." To remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

10. "Commissioner." The police commissioner of the city of New York.

11. "Control Board." The firearms control board as established in section 436–6.2.

12. "Appeals Board." The rifle and shotgun purchase and possession permit appeals board as established in section 436–6.7.

13. "Permit." The permit for purchase and possession of rifles and shotguns issued by the control board.

14. "Certificate." The certificate of registration for possession of rifles and shotguns.

15. "Mental defective." Any person affected with mental defectiveness from birth or from an early age to such an extent that he is incapable of managing himself and his affairs, who for his own welfare or the welfare of others or of the community requires supervision, control or care, and who is not mentally ill or of unsound mind to such an extent as to require his certification to an institution for the mentally ill.

436–6.1 *Licensing of gunsmiths, of wholesale manufacturer of firearms, of assemblers of firearms, or of dealers in firearms.* a. It shall be unlawful for any person to engage in the business of gunsmith, wholesale manufacturer of firearms, assembler of firearms, or of dealer in firearms, unless such person, firm, partnership, corporation or company has obtained a license in the manner prescribed in this section.

b. No license shall be issued or renewed pursuant to this section except by the commissioner, and then only after investigation and finding that all statements in a proper application for a license or renewal are true. No license shall be issued or renewed except for any applicant:

(1) of good moral character;

(2) who has not been convicted anywhere of a felony or of any of the following misdemeanors or offenses: * * *

(3) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and

(4) concerning whom no good cause exists for the denial of the license.

c. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city. * * *

k. The conviction of a licensee anywhere of a felony or any of the misdemeanors or offenses enumerated in paragraph two, of subdivision b, of this section, shall operate as a revocation of the license. * * *

436–6.3. *Licensing of dealers in rifles and shotguns.* No person shall engage in the business of purchasing, selling, licensing, or in any manner disposing of shotguns or rifles unless he has been issued a permit for the purchase and possession of shotguns and rifles, and prominently displays in his place of business a license as a registered dealer in shotguns and rifles. * * *.

436–6.6. *Permits for possession and purchase of rifles and shotguns.* It shall be unlawful to dispose of any rifle or shotgun to any person unless said person is the holder of a permit for possession and purchase of rifles and shotguns; it shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a permit for the possession and purchase of rifles and shotguns.

The disposition of a rifle or shotgun, by any licensed dealer, to any person presenting a valid rifle and shotgun permit issued to such person, shall be conclusive proof of the legality of such disposition by the dealer.

a. Requirements—No person of good character and who is of good repute in the community and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase and possess a rifle or shotgun unless the applicant:

1. is under the age of eighteen, or

2. has been convicted in this state or elsewhere of a felony or any misdemeanor or offense set forth in section 552 of the code of criminal procedure, unless such person has received a certificate of good conduct pursuant to subdivision 3 of section 242 of the executive law, or

3. has ever been confined to any hospital or institution, public or private, for mental illness, alcoholism, drug addiction, except where such person has a written statement by a physician duly licensed to practice medicine in the state of New York and specializing in psychiatric medicine, that the applicant is a sound person to possess a rifle or shotgun without danger of harm to himself or any other person, or

4. suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, rifles or shotguns except where such person has a written statement from a physician duly licensed to practice medicine in the state of New York, or other satisfactory proof, that he is no longer suffering from a disability in such a manner that it would interfere with or incapacitate him in the handling of a rifle or shotgun, or

5. is a mental defective, or

6. is a habitual drunkard, or

7. has been adjudicated mentally incompetent and with respect to whom such adjudication remains outstanding, or

8. is addicted to narcotic drugs, or

9. has received a dishonorable discharge from the military service of the United States by reason of an action found constituting a felony or a misdemeanor or offense set forth in section 552 of the code of criminal procedure; or

10. Where the issuance of a permit to such a person would not be in the interests of public health, safety or welfare.

f. Validity—Any person to whom a rifle and shotgun permit has been validly issued pursuant to this chapter may possess a rifle or shotgun. No permit shall be transferred to any other person. Every person carrying a rifle or shotgun shall have on his person a permit which shall be exhibited for inspection to any police officer upon demand. Failure of any such person to so exhibit his permit shall be presumptive evidence that he is not duly authorized to possess a rifle or shotgun and the same may be considered by the control board as cause for forfeit of such permit. A permit shall be valid for three (3) years and shall be subject to automatic renewal, upon sworn application, and without investigation, unless the control board has reason to believe that the status of the applicant has changed since the previous application.

h. Non-residents.—Non-residents of the city of New York may apply for a rifle or shotgun permit subject to the same conditions, regulations and requirements as residents of the city of New York.

A non-resident of the city of New York who has not been issued a permit may nevertheless, purchase a rifle or shotgun from a licensed dealer provided that:

1. He subscribes and affirms or swears to a written statement that he does not suffer from any of the disabilities set forth in subdivision a of this section which would prohibit him from receiving a permit if he were a resident of the city of New York, and that he would be legally permitted to purchase a rifle or shotgun in the city or state in which he resides.

2. The rifle or shotgun so purchased is transmitted by the dealer directly to the purchaser's residence.

3. In the event the purchaser is traveling to another country by rail, ship or plane, the dealer is hereby authorized to deliver such rifle or shotgun at the appropriate terminal to a representative of the railroad, airline or shipping company, for placement aboard such train, plane or ship.

436–6.9. *Certificates of registration.* a. It

shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a certificate of registration for such rifle or shotgun. It shall be unlawful for any person, not a licensed dealer, to dispose of any rifle or shotgun for which he does not have a certificate of registration.

e. Disposition of rifles and shotguns—No person lawfully in possession of a rifle or shotgun shall dispose of same except to a licensed dealer in firearms, licensed dealer in rifles and shotguns, the holder of a valid rifle and shotgun permit, or to an exempt person as enumerated in this chapter.

Any person so disposing of a rifle or shotgun shall report the disposition on forms provided by the control board setting forth the rifle and shotgun permit number of both seller and purchaser, the make, caliber, type, model and serial number, if any, and if the seller is a licensed dealer the certificate of registration number, of all such rifles and shotguns. Such form shall be signed by both seller and purchaser and the original shall be forwarded to the control board within seventy-two hours of the disposition, one copy shall be retained by the seller, another by the purchaser.

1—If the seller is a licensed dealer, he shall at the time of the sale issue a certificate of registration to the purchaser provided to the dealer for that purpose by the control board and shall forward to the control board the duplicate thereof, together with the report of disposition

2—If the seller is not a licensed dealer the control board shall, if the purchaser's rifle permit is valid, issue the certificate of registration within ten days of the receipt by the control board of the report of disposition. Pending receipt of the certificate, but in no event for any longer than fourteen days from the date of purchase, the copy of the report of disposition shall serve in lieu of the purchaser's certificate of registration.

436–6.10. *Exemptions.* The sections requiring rifle and shotgun permits and certificates shall not apply as follows:

a. Minors. Any person under the age of eighteen years may carry, fire, or use any rifle or shotgun in the actual presence or under the direct supervision of any person who is himself a holder of a rifle or shotgun permit, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision or for the purpose of competition or target practice in and upon a firing range approved by the commissioner or any other governmental agency authorized to provide such approval, or the national rifle association, which is under competent supervision at the time of such competition or target practice, and providing that the rifle or shotgun is otherwise properly registered or exempt from registration by virtue of some other provision of this chapter.

b. Antiques and ornaments. The provisions of this chapter shall not apply to antique rifles and shotguns which are incapable of being fired or discharged or which do not fire fixed ammunition, or those weapons manufactured prior to 1894 and those weapons whose design was patented and whose commercial manufacture commenced prior to 1894 and whose manufacture continued after 1894 without any substantial alteration in design or function, and for which cartridge ammunition is not commercially available and are possessed as curiosities or ornaments or for their historical significance and value.

c. Persons in the military service in the state of New York, when duly authorized by regulations issued by the chief of staff to the governor to possess the same, and police officers, and other peace officers.

d. Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

e. Persons employed—in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

Any such person exempted by sections c, d and e above, may purchase a rifle or shotgun only from a licensed dealer, and must submit to the dealer full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, and military or other official identification. Any dealer who disposes of a rifle or shotgun to any exempt person without securing such identification shall be in violation of these sections.

g. The regular and ordinary transport of rifles and shotguns as merchandise provided that the person transporting such rifles and shotguns where he knows or has reasonable means of ascertaining what he is transporting notifies, in writing, the control board of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by the control board as it may deem necessary for investigation as to whether the consignee may lawfully receive and possess such rifles and shotguns.

j. Nothing herein contained shall be construed to be a prohibition of the conduct of business by manufacturers, wholesale dealers, interstate shippers, or any other individuals or firms properly licensed by the federal government.

k. Special theatrical permit. Nothing herein contained is intended to prevent the possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer in the pursuance of his profession, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued by the control board without the requirements for fingerprinting and investigation set forth for rifle and shotgun permits.

436–6.11. *Sale and purchase of ammunition.* At any time after one year from the effective date of this section no ammunition suitable for use in a rifle of any caliber or for any shotgun shall be sold or given away, or otherwise disposed of to any person who has not been issued a rifle and shotgun permit and a certificate of registration and who does not exhibit same to the dealer at the time of purchase. In no event shall rifle or shotgun ammunition be sold to any such person except for a shotgun, or for the specific caliber of rifle, for which the certificate of registration has been issued.

A record shall be kept by the dealer of each sale or any other disposition of ammunition under this section which shall show the type and quantity of ammunition sold, the name and address of the person receiving same, the date and time of the transaction, and the numbers of the permit and certificate exhibited as required by this section.

436–6.13. *Identifying marks.* a. Defacing. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number of a rifle or shotgun shall be in violation of this section.

b. Any rifle or shotgun sold or otherwise disposed of by a licensed dealer, at any time after six months of the effective date of this act, which does not contain a manufacturer's or serial number, must have imbedded into the metal portion of such rifle or shotgun a dealer's number. Failure to so mark and identify any rifle or shotgun shall be a violation of this section.

C19–38.0. *Storage and sale.*—a. Permit. It shall be unlawful to store, sell or offer for sale any ammunition in excess of two hundred small arm cartridges without a permit.

Pelham Manor

20—*Firearms* (a) It shall be unlawful for any person without proper license issued under the laws of the State of New York to possess or carry any pistol, revolver, sawed-off shotgun or other firearms as defined in Section 1 of this Code of General Ordinances of a size which may be concealed upon the person except in the case of any person who is specifically exempt from the State licensing provisions under the laws of the State of New York.

Rochester

47–5. *Rifles, guns, revolvers and dangerous instruments.* A. No person shall sell, loan, lease, give or offer to any child under eighteen years of age, or to any other person to whom a permit has not been issued by the Commissioner of Public Safety, any revolver, pistol or instrument which may be used as a weapon in which the propelling force is compressed air, compressed gas, a spring or any elastic substance and which releases darts, pellets, bullets, metallic particles or other materials capable of endangering life or property, or causing bodily injury, or any instrument commonly known as a blank gun in which any loaded or blank cartridge or ammunition is or may be used. No person shall make such sale, loan, lease, gift, transfer or offer, unless the person acquiring the item or items above named exhibits to him a permit issued by the Commissioner of Public Safety and produces identification that that person acquiring said item or items is the same person to whom the permit has been issued.*

No person shall sell, loan, lease, give or offer to any child under eighteen years of age any loaded or blank cartridges or ammunition commonly used in the said type of revolver, pistol, gun or instrument which may be used as a weapon, described in this section.*

Suffolk County

2. *Definitions:* (a) The term "firearm" means any handgun (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, including: a pistol; a revolver; an automatic; or the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or the trigger, barrel or cylinder of any such weapon.

(b) The term "manufacturer" means any person engaged in the manufacturer of any firearm, or the assembly of any firearm for the purposes of sale or distribution; and the term "licensed manufacturer" means any such person licensed under the provisions of this local law.

(c) The terms "person", "applicant" and "whoever" include any individual, corporation, company, association, firm, partnership, society or joint stock company.

(d) The term "Commissioner" shall mean

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

the Commissioner of the Suffolk County Police Department, or such member of the Department as the Commissioner may designate to handle the licenses authorized by this local law.

3. *Prohibited conduct.* It shall be unlawful for any person to manufacture or assemble any firearm within the confines of Suffolk County without having first obtained a written license from the Commissioner of the Suffolk County Police Department, as hereinafter prescribed.

4. *License requirements and fees.* (a) No person shall engage in business as a firearms manufacturer in Suffolk County until he has filed an application with, and received a license to do so from, the Commissioner of the Suffolk County Police Department * * *.

Utica

16-4. *Fireworks, firearms, pyrotechnics.* (a) *Definitions.* (2) "Small arms ammunition" whenever used in this section, shall be held to mean any shotgun, rifle, pistol, or revolver cartridges.

(b) *Sale, manufacture, delivery, use.* No person shall manufacture, cause to be manufactured, store, handle, transport, sell, keep for sale, offer, give, dispose of, or discharge any firearms except as provided in the Penal Code, nor any pyrotechnics or small arms ammunition within the city without permission from the common council or written permission from the commissioner of public safety, or the mayor.

NORTH CAROLINA

State Law

N.C.G.S.

14-288.1. *Definitions.* Unless the context clearly requires otherwise, the definitions in this Section apply throughout this Article: "Chairman of the Board of County Commissioners." The chairman of the board of county commissioners or, in case of his absence or disability, the person authorized to act in his stead. Unless the governing body of the county has specified who is to act in lieu of the chairman with respect to a particular power or duty set out in this Article, the term "chairman of the board of county commissioners" shall apply to the person generally authorized to act in lieu of the chairman.

"Dangerous Weapon or Substance." Any deadly weapon, ammunition, explosive, incendiary device, or any instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property; or any instrument or substance that is capable of being used to inflict serious bodily injury, when the circumstances indicate a probability that such instrument or substance will be so used; or any part or ingredient in any instrument or substance included above, when the circumstances indicate a probability that such part or ingredient will be so used.

"Mayor." The mayor or other chief executive official of a municipality or, in case of his absence or disability, the person authorized to act in his stead. Unless the governing body of the municipality has specified who is to act in lieu of the mayor with respect to a particular power or duty set out in this Article, the word "mayor" shall apply to the person generally authorized to act in lieu of the mayor.

"Municipality." Any active incorporated city or town, but not including any sanitary district or other municipal corporation that is not a city or town. An "active" municipality is one which has conducted the most recent election required by its charter or the general law, whichever is applicable, and which has the authority to enact general police-power ordinances.

"State of Emergency." The condition that exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives or property, or whenever the occurrence of any such condition is imminent.

14-288.7. *Transporting dangerous weapon or substance during emergency; possessing off premises; exceptions.* (a) Except as otherwise provided in this Section, it is unlawful for any person to transport or possess off his own premises any dangerous weapon or substance in any area: (1) In which a declared state of emergency exists; or (2) Within the immediate vicinity of which a riot is occurring.

(b) This Section does not apply to persons exempted from the provisions of Section 14-269 with respect to any activities lawfully engaged in while carrying out their duties.

14-288.8. *Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction; exceptions.* (a) Except as otherwise provided in this Section, it is unlawful for any person to manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any weapon of mass death and destruction.

(b) This Section does not apply to: (1) Persons exempted from the provisions of Section 14-269 with respect to any activities lawfully engaged in while carrying out their duties. (2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or destructive devices validly licensed under the laws of the United States or the State of North Carolina, while lawfully engaged in activities authorized under their licenses. (3) Persons under contract with the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts. (4) Inventors, designers, ordnance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge knowledge or to facilitate the creation, development, or manufacture of weapons of mass death and destruction intended for use in a manner consistent with the laws of the United States and the State of North Carolina.

(c) The term "weapon of mass death and destruction" includes: (1) Any explosive, incendiary, or poison gas: Bomb; or Grenade; or Rocket having a propellant charge of more than four ounces; or Missile having an explosive or incendiary charge of more than one-quarter ounce; or Mine; or Device similar to any of the devices described above; or (2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or (3) Any machine gun, sawed-off shotgun, or other weapon designed for rapid fire or inflicting widely-dispersed injury or damage (other than a weapon of a type particularly suitable for sporting purposes); or (4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled.

The term "weapon of mass death and destruction" does not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes, in accordance with Chapter 44 of Title 18 of the United States Code.

14-288.12. *Powers of municipalities to enact ordinances to deal with states of emergency.* (a) The governing body of any municipality may enact ordinances designed to permit the imposition of prohibitions and restrictions during a state of emergency.

(b) The ordinances authorized by this Section may permit prohibitions and restrictions: * * *; (4) Upon the possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances, and gasoline; * * *. The ordinances may delegate to the mayor of the municipality the authority to determine and proclaim the existence of a state of emergency, and to impose those authorized prohibitions and restrictions appropriate at a particular time.

(c) This Section is intended to supplement and confirm the powers conferred by Sections 160-52, 160-200(7), and all other general and local laws authorizing municipalities to enact ordinances for the protection of the public health and safety in times of riot and other grave civil disturbance or emergency.

14-288.13. *Powers of counties to enact ordinances to deal with states of emergency.* (a) The governing body of any county may enact ordinances designed to permit the imposition of prohibitions and restrictions during a state of emergency.

(b) The ordinances authorized by the Section may permit the same prohibitions and restrictions to be imposed as enumerated in Section 14-288.12(b). The ordinances may delegate to the chairman of the board of county commissioners the authority to determine and proclaim the existence of a state of emergency, and to impose those authorized prohibitions and restrictions appropriate at a particular time.

14-288.15. *Authority of Governor to exercise control in emergencies.* (a) When the Governor determines that a state of emergency exists in any part of North Carolina, he may exercise the powers conferred by this Section if he further finds that local control of the emergency is insufficient to assure adequate protection for lives and property.

(c) The Governor when acting under the authority of this Section may: (1) By proclamation impose prohibitions and restrictions in all areas affected by the state of emergency; and * * *.

(d) The Governor in his discretion, as appropriate to deal with the emergency then occurring or likely to occur, may impose any one or more or all of the types of prohibitions and restrictions enumerated in Section 14-288.12(b), and may amend or rescind any prohibitions and restrictions imposed by local authorities.

14-315. *Selling or giving weapons to minors.* If any person shall knowingly sell, offer for sale, give or in any way dispose of to a minor any pistol or pistol cartridge, brass knucks, bowie-knife, dirk, loaded cane or slingshot, he shall be guilty of a misdemeanor.

14-316. *Permitting young children to use*

dangerous firearms. (a) It shall be unlawful for any parent, guardian, or person standing in loco parentis, to knowingly permit his child under the age of twelve years to have the possession, custody or use in any manner whatever, any gun, pistol or other dangerous firearm, whether such weapon be loaded or unloaded, except when such child is under the supervision of the parent, guardian or person standing in loco parentis. It shall be unlawful for any other person to knowingly furnish such child any weapon enumerated herein. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty days.

14-402. *Sale of certain weapons without permit forbidden.* It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, unless a license or permit therefor shall have first been obtained by such purchaser or receiver from the sheriff of the county in which such purchase, sale, or transfer is intended to be made, any pistol, so-called pump-gun, bowie knife, dirk, dagger, slung-shot, blackjack or metallic knucks.

It shall be unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee, within the State of North Carolina any pistol, so-called pump-gun, bowie knife, dirk, dagger or metallic knucks without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same, the permit from the sheriff as provided in § 14-403. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned not less than thirty days nor more than six months, or both, in the discretion of the court.

"Antique firearm" as defined by G.S. 14-409.11, and "historic edged weapon" as defined by G.S. 14-409.12, are hereby excepted from the provisions of this section.

14-403. *Permit issued by sheriff; form of permit.*—The sheriffs of any and all counties of this State are hereby authorized and directed to issue to any person, firm, or corporation in any such county a license or permit to purchase or receive any weapon mentioned in this article from any person, firm, or corporation offering to sell or dispose of the same.* * *

14-409. *Machine guns and other like weapons.* It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, sub-machine guns, or other like weapons: Provided, however, that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United State army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that automatic shot-guns and pistols or other automatic weapons that shoot less than thirty-one shots shall not be construed to be or mean a machine gun or sub-machine gun under this section; and that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the sheriff of the county in which said person lives.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than five hundred ($500.00) dollars, or imprisoned for not less than six months, or both, in the discretion of the court.

14-409.10. *Purchase of rifles and shotguns out of State.* It shall be lawful for citizens of this State to purchase rifles and shotguns and ammunition therefor in states contiguous to this State.

14-409.11. *"Antique firearm" defined.* The term "antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

14-415.1. *Possession of firearms, etc., by felon prohibited.* (a) It shall be unlawful for any person who has been convicted in any court in this State, in any other state of the United States or in any federal court of the United States of a crime, punishable by imprisonment for a term exceeding two years, to purchase, own, possess or have in his custody, care or control, any hand gun or pistol.

Every person violating the provisions of this section shall be guilty of a felony and shall be imprisoned for not more than 10 years in the State prison or shall be fined an amount not exceeding five thousand dollars ($5,000).

(b) In all cases where the person is charged under the provisions of this section, the record or records of prior convictions of any offense whether in courts in this State, or in courts of any other state or in any court of the United States shall be admissible in evidence, but only for the purpose of proving that said person has been convicted of a previous offense the punishment for which may be more than two years. The term 'conviction' is defined as a final judgment in any case of any offense having a maximum permissible penalty of more than two years without regard to the plea entered or to the sentence imposed. A judgment of a conviction or a plea of guilty to such an offense certified to a superior court of this State from the custodian of records of any state or federal court under the same name as that by which the defendant is charged shall be prima facie evidence that the identity of such person is the same as the defendant so charged and shall be prima facie evidence of the facts so certified.

(c) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place and the verdict and judgment rendered therein.

14.415.2. Any person whose citizenship is restored under the provisions of Chapter 13 of the General Statutes, any comparable State or federal statute, shall thereafter be exempted from the provisions of 14.415.1.

Charlotte

11-18(246a). *Pistols, dealers in pistols, etc.* License required of dealers in pistols and/or metallic pistol cartridges or cartridges used in pistols.

Edenton

(a) *"Molotov Cocktail"* is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) *"Firebomb"* is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. *Prohibited acts.* It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. *Possession of materials restricted.* It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Elizabeth City

6-3.1. *Public safety.* I: It shall be unlawful for any merchant within the City of Elizabeth City to engage in the business of selling or exchanging pistols without being licensed by the City Council of the City of Elizabeth City to engage in such business.

II: A new section shall be added to such ordinance, designated as Section III.1, reading as follows: All employees of a licensed merchant who are authorized to make a sale of pistols shall apply to the Chief of Police on a form to be prepared by him for a license to sell pistols as an employee of a licensed merchant and such application shall be passed upon by the City Council and if approved, a license shall be granted. It shall be unlawful for any employee of a licensed merchant to engage in the sale of pistols without being first licensed in accordance with the above provisions.

Franklinton

1(e) During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to such curfew to possess off one's own premises, buy, sell, give away, or otherwise transfer or dispose of any explosive, firearms, ammunition, or dangerous weapon of any kind.

(a) *"Molotov cocktail"* is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid substance, and which is fitted with a fuse or wick.

(b) *"Firebomb"* is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. *Prohibited acts.* It shall be unlawful for any person or persons to manufacture, possess, transport, or use any Molotov Cocktail or other firebomb.

Mount Holly

1. *State of emergency: Curfew authorized.* (a) During the existence of a proclaimed state of emergency the Mayor (of the City of Mt. Holly) may impose by proclamation any or all of the following restrictions:

(1) Prohibit or regulate the possession off one's premises of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof.

Pineville

(F) During the existence of a proclaimed state of emergency when a curfew has been defined and imposed, it shall be unlawful for anyone subject to curfew: (2) To possess off one's own premises, buy, sell, give away, or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapon of any kind.

16-41. *Definitions.* For the purpose of this division, the following terms shall have the meanings herein ascribed:

Firebomb. Any type of object designed or constructed so that upon being propelled, it will explode or ignite at its area of impact.

Molotov Cocktail. Any breakable container or any container which is designed in such a manner that upon being propelled, it will upon impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

16-42. *Prohibited acts.* It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

16-43. *Possession of materials restricted.* It shall be unlawful for any person to possess all the items of materials needed to manufacture Molotov Cocktails or other firebombs, other than on his own premises.

Shelby

(1) *"Molotov cocktail"* is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) *"Fire bomb"* is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) *Manufacture, possession, transportation, or use.* It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov cocktail or other fire bomb.

(c) *Possession of materials restricted.* It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov cocktails or other fire bombs, other than on his or their premises.

Southern Pines

9-8. *Same—Permitting possession or use by child.* Any person, being the parent or guardian of, or standing in loco parentis to, any child under the age of twelve (12) years, who shall knowingly permit such child to have the possession or custody of, or use in any manner whatever, any gun, pistol or other dangerous firearm, whether such firearm is loaded or unloaded, or any other person who shall knowingly furnish such child any such firearm, shall be guilty of a misdemeanor.

Warsaw

(a) *"Molotov Cocktail"* is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) *"Firebomb"* is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. *Prohibited acts.* It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. *Possession of materials restricted.* It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Washington

13-5. *Curfew during state of emergency.* (2) To possess off one's own premises, buy, sell, give away or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapon of any kind.

Williamston

(a) *"Molotov Cocktail"* is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) *"Firebomb"* is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. *Prohibited acts.* It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. *Possession of material restricted.* It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Wilson

20-49. *Same—Parental responsibility.* Any person being the parent or guardian of or standing in loco parentis to any child under the age of sixteen (16) years who shall knowingly permit such child to have the possession or custody of, or use in any manner whatever any air rifle, air gun or pistol or who shall knowingly furnish such child with any such gun shall be deemed guilty of a misdemeanor.

20-65. *Prohibited activities.* During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to such curfew: * * *

(b) To possess off one's own premises, buy, sell, give away, or otherwise transfer or dispose of any explosives, firearms, ammunition, or dangerous weapon of any kind; * * *.

Zebulon

1. *State of emergency; curfew authorized.* * * * (1) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof; * * *.

NORTH DAKOTA

State Law

N.D.C.C. CHAPTER 62

62-01-01. *"Pistol" defined.* "Pistol" as used in this chapter means any firearm having a barrel less than twelve inches long.

62-01-02. *Committing crime when armed—Punishment.* Any person who shall commit or attempt to commit murder, manslaughter, except manslaughter arising out of the operation of an automobile, kidnaping, mayhem, assault to do great bodily harm, or any other aggravated assault, robbery, burglary, extortion, larceny, making or possessing burglar's instruments, buying or receiving stolen property, aiding escape from prison, or unlawfully possessing or distributing habit-forming narcotic drugs, when armed with a pistol, may be punished by imprisonment for not more than ten years in addition to the punishment provided for the crime.

62-01-04. *Who not to possess pistols.* The following persons shall not own a pistol or have one in their possession or under their control: 1. A person who has been convicted anywhere within the last ten years of any of the crimes of murder, manslaughter, robbery, burglary, kidnaping, arson, extortion, mayhem, forcible rape, unlawful entry, and any assault except simple assault and battery or any other crime involving the use of or possession of a pistol.

2. A person who is under the age of seventeen years or who is a drug addict an alcoholic, or who is emotionally unstable.

62-01-05. *Carrying pistols prohibited—Exceptions.* Except as otherwise provided in this section no person without a license shall carry a pistol, either openly or concealed, in any vehicle or on or about his person, save on his own land, in his own abode or fixed place of business, or on a target range. This prohibition, however, shall not apply to:

1. Marshals, sheriffs, prison or jail wardens or their regularly employed deputies, policemen, or other law-enforcement officers of any state or political division thereof;

2. Members of the armed forces of the United States when on duty or when going to or from duty;

3. The members of the national guard, organized reserves, or state guard organizations, when on duty or going to or from duty;

4. Officers or employees of the United States duly authorized to carry a pistol;

5. Any person engaged in manufacturing repairing, or dealing in pistols or the agent or representative of such person possesing using, or carrying a pistol in the usual or ordinary course of such business;

6. Any common carrier; or

7. Any person permitted by law to possess a pistol while carrying such pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair, or back to his home or place of business, or in moving from one place of abode or business to another.

62-01-09. *Regulation of sales of pistols.* No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or

2. Be one of the persons exempted under the provisions of section 62-01-05.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate containing the full name, age, address, and occupation of the person receiving the pistol, and the caliber, make, model, and manufacturer's number of the pistol, and the number of the license possessed by the person obtaining the pistol. The person transferring the pistol, within seven days after

such transfer, shall sign and attach his address to and forward by registered or certified mail the original statement signed by the person obtaining the pistol to the secretary of state, the duplicate to the chief of police of the city, marshall of the village, or sheriff of the county of which the person so transferring the pistol is a resident, and he shall retain the other copy for six years. This section shall not apply to purchase by licensed retailers from manufacturers, wholesalers, or jobbers, or to purchase by wholesalers or jobbers from manufacturers.

62-01-11. *Selling pistol to minors prohibited—Penalty.* Any person who shall sell, barter, hire, lend, or give any pistol to any minor under the age of seventeen years shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment.*

62-01-12. *Prohibited transfers.* No person shall deliver a pistol to any person if he has reasonable cause to believe that person is prohibited by law from possessing a pistol. No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol. Any person may lend a pistol for not more than 30 days to any person who holds a license to carry a pistol. A person not a licensed retailer shall not sell or give away a pistol without complying with the provisions of section 62-01-09.

62-01-13. *Dealer's license required.*—Before any retail dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or transfer, any pistol, he must be licensed by the federal government and, in cities requiring such license, by the duly constituted licensing authorities of such city.

62-01-14. *Dealers' licenses—By whom granted and conditions thereof.* Any city may provide by ordinance for the licensing of retail dealers in pistols. If such license is required, it shall be effective for not more than one year from the date of issue, and shall permit the licensee to sell pistols at retail within the said city. If such licenses are issued, they shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture:

3. No pistol shall be delivered:

a. On the day of the application for the purchase;

b. Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; nor

c. Unless the purchaser shall exhibit a license to carry a pistol;

62-01-15. *Penalty for sale without dealer's license.*—Any retail dealer who, without being licensed as provided in section 62-01-13 sells or otherwise transfers, advertises or exposes for sale or transfer, or has in his possession with intent to sell or otherwise transfer, any pistol, shall be punished by imprisonment in the penitentiary for not less than two years.

62-01-16. *False information prohibited.* No person, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, shall give false information or offer false evidence of his identity.

62-01-17. *Prohibited alterations in pistols.* No person shall change, alter, remove, or obliterate any mark of identification on a pistol, such as the name of the maker, model, or manufacturer's number. Possession of any pistol upon which any such identification mark has been changed, altered, removed, or obliterated shall be evidence sufficient to justify a court or jury in finding that the possessor has violated the provisions of this section.

62-01-19. *Antique pistols.* This chapter shall not apply to the purchase, possession, or sale as curiosities or ornaments, of pistols more than fifty years old nor to the transportation of such pistols unloaded and in a bag, box, or securely wrapped package, but not concealed on the person.

N.D.C.C. CHAPTER 62-02

62-02-01. *Definitions.* The term "machine gun, submachine gun, or automatic rifle" as used in this chapter shall mean and include a weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.

62-02-02. *License required.* No person shall purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases unless he has a license permitting him to purchase, sell, have, or possess such weapon.

62-02-05. *License — Provisions — Records.* The license shall permit the licensee to purchase, sell, have or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases for his own protection and for the protection of his servants and employees. It shall contain a description of the gun or rifle licensed, including the name of the manufacturer, the number and caliber of the weapon, or if the license is for a bomb, an accurate description thereof together with any identifying marks thereon. The license shall be issued in duplicate and the district judge shall send the duplicate copy to the superintendent of criminal identification, who shall file and preserve the same in his office as a permanent record.

62-02-06. *Penalty for selling, delivering, or possessing machine gun, automatic rifle, submachine gun, or bomb.* Any person who shall sell, give, loan, furnish, deliver, purchase, have, or possess any machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or any bomb loaded with explosives or poisonous or dangerous gases, without a license, shall be guilty of a felony and shall be punished by imprisonment in the penitentiary for not more than ten years or by a fine of not more than three thousand dollars, or by both such fine and imprisonment.

62-02-07. *Persons exempt from provisions of this chapter.* The provisions of this chapter shall not apply to the following persons:

1. The authorized agent and a servant of a person who has a license to purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases;

2. Officers and members of a duly authorized military organization;

3. Officers and members of the police force of any municipality or sheriffs, deputy sheriffs, or other officers having police powers under the laws of this state.

N.D.C.C. CHAPTER 62-04.

62-04-01. *Use and sale of "silencer" prohibited—Penalty.* Any person who sells, offers for sale, or uses any device for or attachment to any firearm which will silence or deaden the sound or natural report of the weapon when it is discharged shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ninety days nor more than six months, or by both such fine and imprisonment. The use of any such device by a member of the national guard or of the regular army, on any rifle range in this state under the supervision of a commissioned officer shall not be a violation of this section.

62-04-05. *Manufacture, use, and sale of blank cartridge firearms and firecrackers prohibited.* Any person who manufactures, uses, sells, or keeps for sale within this state any blank cartridge pistol, blank cartridge revolver, or other blank cartridge firearm, or blank cartridge caps containing dynamite, or firecrackers exceeding more than three inches in length and one-half inch in diameter, is guilty of a misdeameanor.

N.D.C.C. CHAPTER 62-05

62-05-01. *Declaration of policy.* The legislative assembly finds that it is in the public interest to authorize residents of this state to purchase or otherwise obtain rifles and shotguns in states contiguous to this state in compliance with such other laws of this state as may be applicable, and in compliance with section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 U.S.C. section 921 et seq.

62-05-02. *Resident may purchase rifle or shotgun in contiguous state.* It shall be lawful for a person residing in this state, including a corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state, and to receive or transport such rifle or shotgun into this state.

62-05-03. *Federal firearms licensees—Not applicable to.*—This chapter shall not apply or be construed to affect in any way the purchase, receipt, or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers, or collectors.

62-05-04. *Definitions.* 1. As used in this chapter the term "a state contiguous to this state" shall mean any state having a common border with this state. 2. As used in this chapter, all other terms shall be given the meaning prescribed in 18 U.S.C. section 921, Gun Control Act of 1968, Public Law 90-618, and the regulations promulgated thereunder as presently enacted or promulgated and as hereafter modified.

Fargo

25-2701. *"Pistol" defined.* The term "pistol" as used in this article means any firearm having a barrel less than twelve inches long.

25-2702. *License to sell pistols required—Expiration of license.* No person, firm, or corporation shall sell, trade, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, trade, or transfer any pistol without first obtaining a license to sell pistols as herein provided. All licenses granted under the provisions of this article shall expire at the expiration of the calendar year in which issued.

25-2705. *Regulation of sales of pistols by dealer or individuals.* No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall: 1. Exhibit a license to carry a pistol; or 2. Be one of the persons exempted under the

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

provisions of section 62-01-05 of the North Dakota Century Code.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate containing the full name, age, address, and occupation of the person receiving the pistol and the caliber, make, model, and manufacturer's number of the pistol.

Grafton

1. *Definitions:* 1. "Retail Dealer" shall be any person, firm or corporation purchasing pistols for resale. 2. "Pistols" shall be any firearm having a barrel less than twelve (12) inches long. 3. "Purchaser" shall be any person, firm or corporation obtaining a pistol either by purchase or gift, or by any other means, from a retail dealer.

2. No retail dealer in pistols shall sell a pistol within the City limits of the City of Grafton before he has obtained a license from the City.

3. Any license issued in accordance with this Ordinance shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture: (3.) No pistol shall be delivered: a. On the day of the application for the purchase; b. Unless the purchaser either is personally known to the seller, or shall present clear evidence of his identity; nor c. Unless the purchaser shall exhibit a license to carry a pistol issued in his name; nor d. Unless the Chief of Police shall have been notified at least twenty-four (24) hours before delivery of a pistol of the name of the prospective purchase and the caliber of the pistol intended to be sold.

Mandan

6-0401. *Firearms not to be furnished to minors.* It shall be unlawful for any person, firm or corporation to sell or rent firearms to minors within the limits of the city of Mandan.

6-0403. *Blank cartridges, pistols, etc.; manufacture, use, and sale of.* No person shall manufacture, use, sell, or keep for sale within the city of Mandan any blank cartridges, pistols, blank cartridge revolver, or other blank cartridge firearms, blank cartridge caps containing dynamite or firecrackers exceeding three inches in length and exceeding one-half of an inch in diameter.

Minot

23-124. *Sales to intoxicated persons and minors.* No person in the city shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of twenty-one (21) years.

Valley City

8-9. *Pistol defined.* The term "pistol" means any firearm having a barrel less than twelve inches long.

8-11. *License—Required; term.* No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any pistol without first obtaining a license as provided in this article. All licenses granted under the provisions of this article shall expire at the expiration of one year from the date of issue.

8-12. *Same—Qualifications.* No person may obtain a retail dealer's pistol license within the city without first being licensed by the federal government to sell pistols and exhibiting such federal license to the city auditor, and unless the applicant is a resident of the city.

8-13. *Weapons—Conditions of issuance.* (c) No pistol shall be delivered:

(1) On the day of the application for the purchase.

(2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

(3) Unless the purchaser shall exhibit a license to carry a pistol.

OHIO

State Law

OHIO REVISED CODE ANN. (PAGES) TITLE 29

2923.11 *Definitions.* As used in sections 2923.11 to 2923.24 of the Revised Code:

(A) "Deadly weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(B) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(C) "Handgun" means any firearm designed to be fired while being held in one hand.

(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporize manufacture;

(2) Any device, including without limitation starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device, or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried, or used as a firearm.

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonation containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(I) "Incendiary device" means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(J) "Dangerous ordnance" means any of the following, except as provided in division (K) of this section:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device

(3) Nitroglycerin, nitrocellulose, nitrostarch PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite-pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarring, excavating, or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(K) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (K)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (A) (4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

2923.13 *Having weapons while under disability.* (A) Unless relieved from disability as provided in section 2923.14 of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

(1) Such person is a fugitive from justice;

(2) Such person is under indictment for or has been convicted of any felony of violence, or has been adjudged a juvenile delinquent for commission of any such felony;

(3) Such person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse, or has been adjudged a juvenile

delinquent for commission of any such offense;

(4) Such person is drug dependent or in danger of drug dependence, or is a chronic alcoholic;

(5) Such person is under adjudication of mental incompetence.

(B) Whoever violates this section is guilty of having weapons while under disability, a felony of the fourth degree.

2923.14 *Relief from disability.* (A) Any person who, solely by reason of his disability under division (A) (2) or (3) of section 2923.13 of the Revised Code, is prohibited from acquiring, having, carrying, or using firearms, may apply to the court of common pleas in the county where he resides for relief from such prohibition.

(B) The application shall recite the following:

(1) All indictments, convictions, or adjudications upon which the applicant's disability is based, the sentence imposed and served, and probation, parole, or partial or conditional pardon granted, or other disposition of each case;

(2) Facts showing the applicant to be a fit subject for relief under this section.

(C) A copy of the application shall be served on the county prosecutor, who shall cause the matter to be investigated, and shall raise before the court such objections to granting relief as the investigation reveals.

(D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply:

(1) The applicant has been fully discharged from imprisonment, probation, and parole, or, if he is under indictment, has been released on bail or recognizance.

(2) The applicant has led a law-abiding life since his discharge or release, and appears likely to continue to do so;

(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

(E) Cost of the proceeding shall be charged as in other civil cases, and taxed to the applicant.

(F) Relief from disability granted pursuant to this section:

(1) Applies only with respect to indictments, convictions or adjudications recited in the application;

(2) Applies only with respect to firearms lawfully acquired, possessed, carried or used by the applicant;

(3) Does not apply with respect to dangerous ordance;

(4) May be revoked by the court at any time for good cause shown and upon notice to the applicant;

(5) Is automatically void upon commission by the applicant of any offense embraced by division (A) (2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A) (1), (4), or (5) of such section.

2923.15 *Using weapons while intoxicated.* (A) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(B) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

2923.17 *Unlawful possession of dangerous ordnance.* (A) No person shall knowingly acquire, have, carry, or use any dangerous ordnance.

(B) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(3) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen, and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to section 2923.18 of the Revised Code, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for the purposes and in the manner specified in such license or permit.

(C) Whoever violates this section is guilty of unlawful possession of dangerous ordnance, a misdemeanor of the first degree.

2923.18 *License or permit to possess dangerous ordnance.* (A) Upon application to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business, and upon payment of the fee specified in division (B) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators, and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive device acquired, possessed, carried, or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried, or used for agricultural purposes as defined in section 3743.01 of the Revised Code;

(3) Scientists, engineers, and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried, or used by any such person while acting within the scope of his duties;

(5) In the discretion of the issuing authority, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate research, scientific, educational, industrial, or or other proper purpose.

(B) Application for a license or temporary permit under this section shall be in writing under oath to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business. The application shall be accompanied by an application fee of fifty dollars when the application is for a license, and an application fee of five dollars when the application is for a temporary permit. The fees shall be paid into the general revenue fund of the county or municipality. The application shall contain the following information:

(1) The name, age, address, occupation, and business address of the applicant, if he is a natural person, or the name, address, and principal place of business of the applicant, if the applicant is a corporation;

(2) A description of the dangerous ordnance for which a permit is requested;

(3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used;

(4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried, or used;

(5) Such other information as the issuing authority may require in giving effect to this section.

(C) Upon investigation, the issuing authority shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry, or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried, and used by the applicant for a legitimate purpose.

(D) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage, or use of the dangerous ordnance as the issuing authority considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(E) A temporary permit shall be issued for the casual use of explosives and explosive devices, and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance, or for any non-consumable dangerous ordnance, which license need not specify an expiration date, but the issuing authority may specify such expiration date, not earlier than one year from the date of issuance, as it considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(F) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the state. The holder of a license may use such dangerous

ordnance anywhere in the state. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the issuing authority.

(G) The issuing authority shall forward to the state fire marshall a copy of each license or temporary permit issued pursuant to this section, and a copy of each record of a transaction in dangerous ordnance and of each report of lost or stolen dangerous ordnance, given to the local law enforcement authority as required by divisions (A)(4) and (5) of section 2923.20 of the Revised Code. The state fire marshall shall keep a permanent file of all licenses and temporary permits issued pursuant to this section, and of all records of transactions in, and losses or thefts of dangerous ordnance forwarded by local law enforcement authorities pursuant to this section.

2923.20 *Unlawful transactions in weapons.* (A) No person shall:

(1) Recklessly sell, lend, give, or furnish any firearm to any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section;

(3) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

(4) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(5) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(B) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3) or (4) of this section is a misdemeanor of the second degree. Violation of division (A)(5) of this section is a misdemeanor of the fourth degree.

2923.21 *Improperly furnishing firearms to a minor.* (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

(B) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.

2923.22 *Permitted interstate transactions in firearms.* (A) Any resident of Ohio age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or any applicable law of another state or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia.

(B) Any resident of Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia, age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or the laws of his domicile or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Ohio.

(C) Any purchase and sale pursuant to this section shall be for such purposes and under such circumstances and upon such conditions as are prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922 (b)(3), and any amendments or additions thereto or reenactments thereof.

Akron

672.01 *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable or inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including, without limitation, a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes, without limitation, any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder; * * *

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece;

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or re-enactment thereof, and regulations issued thereunder.

672.05 *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents or employees of this or any other state or the United States, members of the Armed Forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or re-enactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968" 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned or given by the Secretary of the Army pursuant to 70A Stat. 282 and 283, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance, when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the National Firearms Registration

and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or re-enactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this State and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Section 672.07, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

672.07 *License or permit to possess dangerous ordnance.* (a) Upon application to the Safety Director or Police Chief of the Municipality, and upon payment of the fee specified in subsection (b) hereof, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes as defined in Ohio R.C. 3743.01;

(3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;

(4) Financial institutions and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of his duties;

(5) In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose. * * *

(c) Upon investigation, the Safety Director or Police Chief shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(d) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage or use of the dangerous ordnance as the Safety Director of Police Chief considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(e) A temporary permit shall be issued for the casual use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the Safety Director or Police Chief may specify such expiration date, not earlier than one year from the date of issuance, as he considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(f) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the State. The holder of a license may use such dangerous ordnance anywhere in the State. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the Municipality.

672.10 *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under the age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one;

(3) Furnish any firearm to a person under the age of eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearm safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Alliance

557.02. *Permit required to purchase or exchange certain weapons.* No person shall buy, purchase or obtain in exchange any revolver, pistol, bowie knife, dirk or other weapon of like character having a blade more than three inches in length without first having obtained a permit from the Police Chief to make such purchase or exchange.

557.04. *Delivery of permit to seller; monthly returns.* The permit issued by the Police Chief * * * shall be delivered by the applicant to and retained by the person selling such weapon. The person selling such weapon shall preserve and retain all permits and shall, on the first day of each and every month, deliver to the Police Chief all the permits collected in accordance with which any weapons have been sold.

557.05. *Selling to person without permit to purchase.* No person shall sell, exchange or offer for sale or exchange any weapon described in Section 557.02, except to a person who has first obtained a permit therefor from the Police Chief.

Amberley Village

131.06. *Sale of firearms to minors.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

Ashtabula

549.01 *Definitions.* As used in this chapter: (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property be means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

carriage, and is designed and safe for use only with black powder;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05 *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employees of this or the organized militia of this or any other bers of the armed forces of the United States or the organized milita of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties.

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R.C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

549.07 *Unlawful transactions in weapons.* (a) No person shall: * * *

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place; * * *

549.08 *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one; * * *

551.01 *Definitions.* As used in this chapter, certain words are defined as follows:

(a) "Firearm" has the same meaning as defined in Section 549.01(b).

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

551.04 *Sales, transfers and displays regulated.* (a) No manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this chapter, shall sell any firearm at wholesale or retail.

Avon Lake

672.10 *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under the age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one;

(3) Furnish any firearm to a person under the age of eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearm safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Bay Village

591.07. *Minors carrying, possessing and puchasing weapons.* (d) No person shall barter, trade, furnish or give to a minor under the age of eighteen years a musket, rifle, shotgun, tear-gas pen, revolver, pistol or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

Bedford

547.08 *Weapons dealers; license required.* No person in this City shall sell, transfer, give away, or otherwise dispose of any pistol, revolver or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed or any bowie knife or dirk or other weapon of like character, which can be concealed on the person without first securing an annual license to do so upon application to the Chief of Police of Bedford. Said licenses are not transferable and shall be issued only to firearms dealers, being any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the City of Bedford and shall not be issued to any applicant whose license has been revoked nor to any applicant who has been convicted of a violation of any section of this Chapter 547 until the expiration of five (5) years from the effective date of such revocation or five (5) years from the date of conviction.

547.11 *Dealer's license revocation.* In case the City Manager shall be satisfied that any firearms dealer has violated any provision of this chapter, he may and shall revoke the license to such person for the selling of such weapons. No other license shall be issued to such person for a period of five (5) years thereafter.

547.12 *Limitation on purchase, sale and transfer.* No person shall purchase or acquire by gift or transfer any of the weapons mentioned in Section 547.08 who (as to any one of the following):

(a) Is under twenty-one years of age;

(b) Is a fugitive from justice or is at the time under court adjudication of mental incompetence;

(c) Refuses or neglects to give necessary information required in any application he is required to prepare;

(d) Is a person convicted of an illegal use or possession of narcotics;

(e) Is, at the time of his application, under the influence of alcohol or any other dangerous drug or narcotic;

(f) Has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect; provided, however, that such person shall have eligibility restored as to this subparagraph after ten (10) years have elapsed from the date or completion of any sentence, probationary period or parole;

(g) Is a person convicted of more than one (1) misdemeanor involving the use of force and violence or threats of the use of force and violence against the person of another within one (1) year prior to his application.

It shall be the duty of the seller of the aforesaid weapons as a condition of his permit, to obtain the information required by this chapter in affidavit form, and have such form signed and sworn to before a notary public by such applicant on three copies, one to be delivered to the purchaser at the time of sale, the second to be delivered to the Chief of Police as required by Section 547.10 and the third to be kept by the seller for a period of not less than six months. * * *

No holder of a permit as required by Sections 547.08 and 547.09 shall sell one of the weapons named in Section 547.08 without first obtaining the information in proper affidavit form as required herein. Failure to comply with these regulations shall be grounds for revocation of the permit license.

Beachwood

541.01 *Definitions.* (a) "Chief of Police" means the Chief of Police of the City, or his duly authorized agents.

(b) "Encased" means enclosed in a case, container or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but shall not include a holster for a pistol or revolver.

(c) "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(d) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(e) "Firearms dealer" means any person, firm or corporation, regularly engaged in the business of selling or trading firearms or am-

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

munition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect.

(g) "Resident" means any person who has a place of residence within the limits of the City.

(h) "Nonresident" means any person who does not have a place of residence within the limits of the City.

(i) "Minor" means any person under the age of twenty-one years.

541.03 *Prohibitions.* (a) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition, if such person is a fugutive from justice or is, at that time, under court adjudication for mental incompetence, or has been committed to a mental institution, hospitalized or has received hospital treatment for any mental disorder, alcoholism, or narcotic addiction within the previous ten years, unless a doctor indicates, in writing, that such person is completely recovered and sufficiently stable to own or possess a firearm or ammunition.

(b) No person shall purchase, receive, have on or about his person or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug or stimulants as defined by Title 21 of the United States Code, Section 321(v), known as the Drug Abuse Control Amendments of 1965 effective February 1,

(c) No person shall purchase, own, possess, receive, have on or about his person or use any firm or ammunition if such person has been convicted of a felony involving the use or threat of use of force or violence against the person of another under the laws of this City, the State of Ohio or any other state, the United States or any of its territories or possessions, the District om Columbia or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person or using such firearms or ammunition.

541.05 *Identification card required.* (a) No person shall purchase, own, possess, receive, have on or about his person or use any handgun unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person has been issued a dealer's license pursuant to Section 541.07, or unless such person is exempt from the requirements of an identification card pursuant to Section 541.06. * * *

(d) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 541.03 from purchasing, owning, possessing, receiving, having on or about his person or using any firearm or ammunition.

(2) A minor.

(3) A person convicted of an illegal use or possession of narcotics.

(4) A person with more than one conviction of being drunk or disorderly within three years prior to his application for such identification card.

(5) Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within ten years prior to his application for such identification card.

(e) No person shall knowingly give any false information in making application for a handgun owner's identification card, and no person shall use or attempt to use a handgun owner's identification card to purchase, own, possess, receive, have on or about his person or use any handgun, knowing such identification card to belong to another, or knowing it was obtained by means of false information or when it is void by reason of the holder's becoming a member of the class of persons prohibited by this section from being issued a handgun owner's identification card.

(f) No person shall use or attempt to use his handgun owner's identification card to obtain any handgun for any person who does not have a handgun owner's identification card issued to him and in effect pursuant to this section, and no person shall knowingly permit his identification card to be used by another to purchase, own, possess, receive, have on or about the person or use any handgun or handgun ammunition.

(g) A possessor of a handgun owner's identification card shall become ineligible to possess such a card if he becomes one of that class of persons set forth in subsection (d) hereof, and he shall, thereupon, immediately forfeit such card and return the same to the Chief of Police, and he shall, within thirty days from the date of foreiture, dispose of any handguns in his possession in accordance with the provisions of this chapter.

(h) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment with the City, or any nonresident of the City passing through Beachwood who complies with the prerequisites of this chapter, may make application for and obtain a handgun owner's identification card, pursuant to the provisions of this section.

(i) Any applicant who is denied a handgun owner's identification card may appeal that order of denial to the Gun Control Appeals Board, in accordance with Section 541.02.

541.06 *Exemptions.* (a) The requirements of a handgun owner's identification card contained in Section 541.05 do not apply to the purchase, ownership, possession, receipt, having on or about the person or use of any handgun or handgun ammunition by:

(1) Any state or the United States, or any political subdivision, department or agency of either.

(2) Officers or agents of any state or the United States, or any political subdivision, department or agency of either; members of the organized militia of any state, or the Armed Forces of the United States; or law enforcement officers of any political subdivision to the extent that the official duties of any such persons require them to purchase, own, possess, receive, carry or use handguns.

(3) Licensed dealers of handguns, and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of handguns is in the ordinary course of business.

(4) Nonresidents of the City who are residents of the State, provided that such persons are not prohibited by the provisions of Sections 541.03 and 541.05, and possess and exhibit upon request, such valid permit, authorization or identification issued by the chief of police or the sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun; and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subparagraph shall not apply to a nonresident who enters the City with firearms for the sole and only purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subparagraph shall be valid for thirty days only from the date thereof.

(5) Nonresidents of the City, moving to the City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into the City for such purpose, provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun.

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms, handguns and their agents, to the extent that the ownership, possession, receipt or having on or about the person of business and in conformity with the laws of this State or the United States.

(9) Residents of the City who acquire, by purchase or otherwise, a handgun or handguns during a period not exceeding thirty days from such purchase or acquisition.

(b) No person shall purchase, or otherwise obtain, or attempt to purchase or otherwise obtain, any handgun by claiming an exemption pursuant to this section from the requirement of a handgun owner's identification card contained in Section 541.05, knowing such claim of exemption to be false.

541.07 *Dealer's license.* (a) Every firearms dealer in the City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each separate permanent location. Application for such license shall be made to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 541.08, the Chief of Police shall issue a license to engage in business as a firearms dealer. The Chief of Police shall not issue a license to any applicant whose prior license has been revoked, nor to any applicant who has been convicted of a violation of any section of this chapter until the expiration of five years from the effective date of such revocation or five years

from the date of conviction. The Gun Control Appeals Board may authorize the issuance of a permit within a lesser period of time if an appeal is taken to it under the provisions of Section 541.02. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications required to secure a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business.

(c) No person, firm or corporation shall engage in business as a firearms dealer in this City without a license as provided by this section. * * *

541.10 *Revocation of license.* (b) No firearms dealer whose license has been revoked pursuant to this section shall engage in business as a firearms dealer in this City for a period of five years from the effective date of such revocation, unless otherwise authorized to do so by order of the Gun Control Appeals Board. Each day of continuing violation shall be deemed a separate offense.

(c) No firearms dealer shall employ, or enter into any partnership or corporation with any person, firm or corporation whose firearms dealer's license has been revoked pursuant to the provisions of this section.

541.11 *Further prohibitions; sales; purchases; transfers.* (a) No person shall, in the City, purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 541.05, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 541.06.

(b) No person in this City shall sell, deliver, transfer or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 541.05, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 541.06.

Belpre

131.06. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish or give to a minor under the age of 17 years, an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefore, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

(C) This section is not applicable to a minor under the age of 17 years who is hunting in accordance with sec. 1533.13 of the Revised Code.

Bexley

13–106. *Unlawful transactions in weapons.* (A) No person shall: * * * (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to section 13–105 of the general offense code or 2923.17 of the Ohio Revised Code. * * *

13–107. *Improperly furnishing firearms to a minor.* (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

Blue Ash

131.06. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. * * *.*

Bowling Green

587.06. *Sale of firearms to minors.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor. * * *.*

Brunswick

517.06 *Improperly furnishing firearms to a minor.* (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervison or control of a responsible adult.

Cambridge

529.03. *Sale of firearms.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm or ammunition therefor. * * *.*

Campbell

131.06. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

134.03. *Unlawful sale of weapons.* (A) No person shall sell to any other person any pistol, revolver or other weapon which may be concealed upon the person without first obtaining a permit from the mayor to sell same.

Canton

527.02. *Permit required to purchase or exchange.* It shall be unlawful for any person to buy, purchase, or obtain in exchange, any revolver, pistol, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first having a permit from the chief of police to make such purchase or exchange.

527.06. *Selling to person without permit to purchase.* It shall be unlawful for any person to sell, exchange, or offer for sale or exchange, any revolver, pistol, bowie knife, dirk or other weapon of like character which can be concealed on the person, except to a person who has first obtained a permit therefor from the chief of police.

527.09. *Furnishing or permitting minor under seventeen to use firearms, etc.* It shall be unlawful for any person owning or having charge or control of any musket, rifle, shot gun, revolver, pistol or any other firearm, or ammuniiton therefor, to sell, barter, furnish or give the same to a minor under the age of seventeen years, or knowingly to permit any such weapon to be used by a minor under such age.*

Carlisle

672.09. *Unlawful transactions in weapons.* (a) No person shall:

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance purusant to Section 672.05.

672.10. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under the age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one;

(3) Furnish any firearm to a person under the age of eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Carrollton

672.01. *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges wth a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including, without limitation, a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an expolsion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes, without limitation, any bomb, any explosive demoli-

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

tion device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device; * * *

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle, shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subparagraph (3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable and inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece;

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactment thereof, and regulations issued thereunder.

672.05. *Unlawful Possession of Dangerous Ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents or employees of this or any other state or the United States, members of the Armed Forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosive, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or re-enactments thereof, with respect to explosive and explosive devices lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned or given by the Secretary of the Army pursuant ot 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordinance, when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or re-enactments thereof, and regulations issued thereunder;

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this State and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Section 672.07, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

672.07 *License or permit to possess dangerous ordnance.* (a) Upon application to the Safety Director or Police Chief of the Municipality, and upon payment of the fee specified in subsection (b) hereof, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes as defined in Ohio R.C. 3743.01;

(3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction.

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of his duties;

(5) In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose.

(c) Upon investigation, the Safety Director or Police Chief shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(d) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage or use of the dangerous ordnance as the Safety Director or Police Chief considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(e) A temporary permit shall be issued for the casual use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the Safety Director or Police Chief may specify such expiration date, not earlier than one year from the date of issuance, as he considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(f) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the State. The holder of a license may use such dangerous ordnance anywhere in the State. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the Municipality.

672.09. *Unlawful transactions in weapons.* (a) No person shall:

(1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife or similar weapon;

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 672.05, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the County Sheriff or Safety Director or Police Chief of the Municipality;

(3) Knowingly fail to report to the Police Department forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

672.10. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under the age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one;

(3) Furnish any firearm to a person under the age of eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearm safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Centerville

549.01 *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting

death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following.

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device; * * *

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05. *Unlawful possession of dangreous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder;

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R. C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

549.07. *Unlawful transactions in weapons.* (a) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05.

549.08. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Chagrin Falls

549.01 *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acacquire, have, carry or use dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized milita of this or any other state, and law enforcement officers, to the extent that any such person is authorized to quire, have, carry or use any dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923 and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections:

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the act of October 22, 1968, 82 Stat. 1129, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R.C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

549.07. *Unlawful transactions in weapons.* (a) No person shall:

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05.

549.08. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Cincinnati

7. *Emergency orders.* The city manager, or the mayor if he has assumed command as provided in Section 6 above, or the vice-mayor if he has assumed command in the absence of the mayor, may, as he deems advisable in the interest of the public peace, health, safety or welfare and in regard to the specific area or areas of the city imperiled by the public danger or emergency or the city as a whole, as he deems advisable, make and enforce orders to do any or all of the following: * * *.

(f) Order the closing of gasoline stations and other establishments engaged in the retail sale, distribution or dispensing or giving away of liquid flammable or combustible products.

(g) Prohibit or restrict the sale, distribution, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(h) Order the closing of any and all establishments or portions thereof engaged in the sale, distribution, dispensing or giving away of firearms and/or ammunition.

(i) Prohibit or restrict the carrying or possession on the public streets or public sidewalks or in any public park or square or any other public place a weapon or any object intended to be used as a weapon including but not limited to firearms, bows and arrows, air rifles, sling shots, knives, razors, broken bottles, fire bombs, missile of any kind, clubs, blackjacks, billies, chains or similar items.

708–1. *Aliens.* No alien shall own or have in his possession or under his control a dangerous weapon.

708–3. *Minors.* No person shall sell, barter, lend or give to a minor under the age of sixteen (16) years, an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, bowie knife, dirk or any other dangerous weapon, and no minor under the age of sixteen (16) years shall buy, barter, hire, borrow, receive or possess an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, bowie knife, dirk, or any other dangerous weapon.*

708–7. *Obliterating identification marks prohibited.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any dangerous weapon.

No person shall keep in his possession or under his control any dangerous weapon upon which the name of the maker, model, manufacturer's number or other mark of identification has been to his knowledge changed, altered, removed or obliterated.

708–9. *Dealers in weapons; license fees.* Every retail dealer in firearms, ammunition for firearms, or dangerous weapons, shall pay a license fee of two hundred thirty-four dollars and fifty cents ($234.50) per annum, and such license may be granted by the city manager upon written application of any such dealer. Where a dealer deals only in shotguns and rifles of regulation size manufactured for hunting and sporting purposes only, and the ammunition therefor, the annual license fee shall be the sum of twelve dollars and fifty cents ($12.50). The application shall set forth the place of business of the applicant, the nature of the business, the names of all the partners, if a partnership, and the names of all officers, if a corporation. The city manager may authorize the city treasurer to issue a license to the applicant, if he is satisfied that the applicant is of good repute in the conduct of such business, and that the conduct of such business will not be detrimental to the public safety and welfare. * * *.

708–11. *Restriction on pawnbrokers.* If a dealer licensed under the provisions of Section 708–9 carries on the business of pawnbroker or second-hand dealer, he shall not sell any firearms or dangerous weapons except shotguns and rifles of regulation size manufactured for hunting and sporting purposes only.

708–13. *Form of application to purchase dangerous weapon.* The city manager shall prescribe a form of application covering the purchase of dangerous weapons. Such form shall provide for the recording of the following facts: * * *.

708–15. *Restriction on sale of weapons.*

No dealer shall sell a dangerous weapon to any person, unless such person shall fill out in full and sign an application blank as provided for in Section 708–13. No dealer shall sell such weapon to any purchaser with whom he is not personally acquainted, unless

* NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

such purchaser is identified by a person who is personally known to him.

The application shall be executed in triplicate. The dealer shall mail the original of each application to the city manager at the close of each business day. One copy shall be delivered to the purchaser and one preserved in the files of the dealer. The dealer's copies of used application blanks, and all unused application blanks, shall be kept by the dealer so as to be open for inspection by city police officers at all times.

The provisions of this section and of Section 708–13 shall not apply to sales at wholesale nor to sales of firearms which have a barrel over twelve (12) inches in length.

708.17. *Sale of pistol ammunition.* No dealer shall sell pistol ammunition to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person with whom he is personally acquainted.

Cleveland

11.2301. *Permit to dispose of concealable weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the city, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a permit so to do, as hereinafter provided, and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this city who has not secured a permit from the chief of police to purchase such weapon in the manner hereinafter provided.

11.2302. *Application for license.* Any person, firm or corporation desiring a license authorizing the sale of any of the deadly weapons mentioned in section 11.2301 shall make application in writing to the Director of Public Safety, setting out in such application the full name and residence of the applicant, if an individual, and if a firm or corporation the name and residence of each of its members or officers. Such applicant shall also set out the location at which it is intended or desired to conduct such business. Upon the receipt of such application it shall be the duty of the director of public safety to issue a license to the applicant.

11.2305. *Permit to purchase concealable weapons; Application.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification, of the person desiring such permit. Such application shall also contain a recommendation that the permit shall issue, from two persons who shall be known to the chief of police as persons of good reputation and residents of the city for at least one year, or who shall appear to be taxpayers residing within the city.

11.2306. *Sale of firearms or ammunition to minors.* No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

Nothing in this section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which at the time of such instruction and use, is under the supervision and control of a competent adult instructor provided that the giving of such instruction and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General or provided that said Instructor is the parent of the person receiving such instruction.

11.2309. *Duties of Chief of Police.* It shall be the duty of the chief of police to refuse such permit to: (a) All persons having been convicted of any crime; (b) All vagabonds; (c) All minors. Otherwise, it shall be the duty of the chief of police to grant such permit.

Cleveland Heights

541.01. *Definitions.* (a) "Chief of Police" means the Chief of Police of the City of Cleveland Heights or his duly authorized agents.

(b) "Encased" means enclosed in a case, container or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but does not include a holster for a pistol or revolver.

(c) "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver or any part of the firing mechanisms of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(d) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(e) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(g) "Resident" means any person who has a factual place of residence within the limits of the City.

(h) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(i) "Minor" means any person under the age of twenty-one years.

541.03. *Prohibitions.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is at that time under court adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearms or ammunition.

541.05. *Owner's identification card required; application, fee and issuance.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 541.06.

(d) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 541.03 from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use or possession of narcotics;

(4) A person with more than one conviction of being drunk or disorderly within one year prior to his application for such identification card;

(5) Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within one year prior to his application for such identification card.

(h) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment within the City, or any nonresident of the City passing through the City who complies with the prerequisites of this chapter, may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

541.06. *Exemptions.* (4) Nonresidents of the City who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 541.03 or 541.05, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun, and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident

*NOTE:—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

who enters the City with firearms for the sole and only purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for thirty days only from the date thereof.

(5) Nonresidents of the City moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun.

541.07. *Restrictions on sales; purchases and transfers.* (a) No person shall, in the City, purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferer exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 541.05, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 541.06.

(b) No person in this City shall sell, deliver, transfer or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 541.05, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 541.06.

(c) Any person in the City who sells, transfers, gives away, or otherwise disposes of a handgun to any other person, shall, within five days following such sale, transfer, gift or other disposition, report the same to the Chief of Police, together with the manufacturer's name of such handgun, the caliber and serial number of such handgun, and if no serial number is contained thereon, an adequate description of the weapon.

541.08. *Dealer's license required; application and issuance.* (a) Every firearms dealer in the City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each separate permanent location. Application for such license shall be made to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 541.09, the Chief of Police shall issue a license to engage in business as a firearms dealer. The Chief of Police shall not issue a license to any applicant whose prior license has been revoked, nor to any applicant who has been convicted of a violation of any section of this chapter, until the expiration of five years from the effective date of such revocation or five years from the date of conviction. The Gun Control Appeals Board may authorize the issuance of such a permit within a lesser period of time if an appeal is taken to it under the provisions of Section 541.02. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications required to secure a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business.

Clyde

134.03. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish or give to a minor under the age of 17 years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

Columbus

123.02. *Proclamations.* When a state of emergency has been proclaimed as provided in Section 123.01 of the Codes of the City of Columbus, Ohio, 1959, any of the officers named therein, acting in accordance therewith, is authorized to issue such proclamations as he deems necessary to protect life and property. Said proclamation may include, but is not limited to, the establishment of curfew prohibiting the sale of beer or intoxicating liquor; prohibiting the sale of firearms; restricting or prohibiting movement into, out of, or within the affected area or areas; or prohibiting or limiting the assemblage of persons.

545.01. *License required; purchase permits.* It shall be unlawful for any person to engage in the business of selling, or to sell, or to give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license to do so. No person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Director of Public Safety to purchase, acquire, redeem or remove such weapon * * *.

545.02. *License application; fee.* Any persons desiring a license authorizing the sale, disposition or redemption, or removal from deposit or pledge, of any of the deadly weapons mentioned in C.C. 545.01 shall make application in writing to the Director of Public Safety, setting out in such application the full name and residence of the applicant, if an individual, and if a firm or corporation, the names and residences of each of its members or officers. Such application shall also set out the location at which it is intended or desired to conduct such business. Upon the receipt of such application, it shall be the duty of the Director of Public Safety to issue a license to the applicant upon his payment to the City Treasurer of the annual license fee of five dollars ($5.00).

545.05. *Purchase permit applications;* * * *. It shall be unlawful for any person to purchase, or redeem, or remove from deposit or pledge, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first securing from the Director of Public Safety a permit to do so. * * *.

545.06. *Prohibited permittees; fees.* It shall be the duty of the Director of Public Safety to refuse the permit required by C.C. 545.05 to the following persons:

(a) All persons having been convicted of any crime.

(b) All vagabonds; and

(c) All minors.

Otherwise it shall be the duty of the Director of Public Safety to grant such permit upon the payment of a fee of one dollar ($1.00).

2323.01. *Definitions.* As used in Title 23, Chapter 2323 of the Columbus City Codes:

(A) "Deadly Weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(B) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(C) "Handgun" means any firearm designed to be fired while being held in one hand.

(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device, or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried, or used as a firearm.

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arrange so as to explode.

(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(J) "Dangerous ordnance" means any of the following, except as provided in division (K) of this section:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

2323.05. *Possession of dangerous ordnance* (A) No person shall knowingly acquire, have, carry, or use any dangerous ordnance.

(B) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry, or use dangerous

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handguns, ammunition to persons under twenty-one (21) years of age.

ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(3) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen, and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Section 2923.18 of the Revised Code, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for the purposes and in the manner specified in such license or permit.

(C) Whoever violates this section is guilty of unlawful possession of dangerous ordnance, a misdemeanor of the first degree.

Cortland

1. That any person not a citizen of the United States and not registered under a similar registration act residing or entering the Village of Cortland be and hereby is required to register with and furnish fingerprints to the Mayor * * *.

2. It shall be unlawful for such non-citizen to purchase, carry or possess any firearm or other dangerous weapon and such firearms or dangerous weapon shall be delivered forthwith to the Mayor and by him impounded for a period of two years.

Cuyahoga Falls

545.08. *Sale of explosives to minors.* No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R. C. 3743.01(A), whether such person is acting for himself or for any other person.

545.10. *Possession of firearms by certain persons prohibited.* (a) Definitions. (1) "Firearms" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but shall not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition. (2) "Pistol" means any firearm with a barrel less than twelve inches in length. (3) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail. (4) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding. (5) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, the purpose of which or one of the purposes of which is the establishment, control, conduct, seizure, or overthrow of the Government of the United States or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

(b) Possession prohibited. (1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth, countries or the District of Columbia, or who is a fugitive from justice, or of unsound mind, or a drug addict or an habitual drunkard, shall possess a firearm within the City. (2) No person who is a member of a subversive organization shall possess a firearm within the City. (3) No person under the age of eighteen shall possess a pistol. The provisions of this subsection (b)(3) do not apply to the issuance of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent or guardian or adult instructor.

545.11 *Sales and transfers regulated.* (a) No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(b) No manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of Section 545.12, shall sell any firearm at wholesale or retail.

(c) No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(d) When delivered, all pistols must be securely wrapped and must be unloaded.

(e) No person shall sell, lease, lend or otherwise transfer a pistol to any person under seventeen years of age except as provided in Section 545.10.

545.12. *Manufacturers' and dealers' licenses* * * *. Application for a manufacturer's or dealer's license shall be made to the Safety Director of the City on forms prescribed and furnished by the City. * * *.

545.13 *False information prohibited.* (a) No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

(b) No person shall give false information concerning the matters referred to in Section 545.10 or concerning his age or his name and address, or offer false evidence of his identity when purchasing a pistol.

Dayton

13-101. *Definitions.* (A) "Deadly weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(B) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustile propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(C) "Handgun" means any firearm designed to be fired while being held in one hand.

(D) "Semi-automatic Firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(E) "Automatic Firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic Firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

(F) "Sawed-off Firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-Gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device, or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried, or used as a firearm.

(H) "Explosive Device" means any device designated or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive Device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(I) "Incendiary Device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(J) "Dangerous Ordnance" means any of the following, except as provided in Division (K) of this section:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(K) "Dangerous Ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued for as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a

type in accepted use prior to 1887. Has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in Division (K)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece;

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

13-106. *Unlawful transactions in weapons.* (A) No person shall: * * * (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 13-105 of the General Offense Code or 2923.17 of the Ohio Revised Code, * * *.

13-107. *Improperly furnishing firearms to a minor.* (A) No person shall: (1) Sell any firearm to a person under age eighteen; (2) Sell any handgun to a person under age twenty-one; (3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or markmanship under the supervision or control of a responsible adult.

1036-6. *Possession of explosive, flammable devices regulated.* No person shall make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse, and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

East Cleveland

545.11. *Definitions.* (a) "Firearms" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(b) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(c) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of East Cleveland, whether as the principal business of such person, firm or corporation, or in addition thereto.

(d) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(e) "Resident" means any person who has a factual place of residence within the limits of the City of East Cleveland, Ohio.

(f) "Nonresident" means any person who does not have a factual place of residence within the limits of the City of East Cleveland, Ohio.

(g) "Minor" means any person under the age of twenty-one (21) years.

545.12. *Prohibitions.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date or completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

545.14. *Identification card required—registration of handguns required.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(f) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 545.12 of the Codified Ordinances of the City of East Cleveland, Ohio, from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use or possession of narcotics;

(4) A person with more than one (1) conviction of being drunk or disorderly with one (1) year prior to his application for such identification card;

(5) Any person with more than one (1) conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within one (1) year prior to his application for such identification card.

(k) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment within the City, or any nonresident of the City passing through East Cleveland who complies with the prerequisites of this ordinance may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

545.15 *Exemptions.* (a) The requirements of a handgun owner's identification card contained in Section 545.14 of the Codified Ordinances of the City of East Cleveland do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

(4) Nonresidents of the City of East Cleveland who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Sections 545.12 or 545.14 of the Codified Ordinances of the City of East Cleveland, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff or their place of residence to purchase, own, possess, receive, carry, or use any handgun, and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a non-resident who enters the City with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this sub-section shall be valid for thirty (30) days only from the date thereof.

(5) Nonresidents of the City of East Cleveland, Ohio moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

545.16 *Further prohibitions—Sales—Purchases—Transfers.* (a) No person in this City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 545.14 of the Codified Ordinances of the City of East Cleveland, Ohio, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(b) No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 545.14, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(c) No person in this City shall sell, transfer, give away, or otherwise dispose of a handgun to any other person unless, within five (5) days following said sale, transfer, gift, or other disposition, he shall report same to the Chief of Police of the City of East Cleveland, together with the manufacturer's name of said handgun, the caliber and serial number of said handgun, and if no serial number is contained thereon, an adequate description of the weapon.

545.17. *Dealers license.* (a) Every firearms dealer in this City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each such permanent location. Application for such license shall be made to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 545.18 of the Codified Ordinances of the City of East Cleveland, Ohio, the Chief of Police shall issue a license to engage in business as a firearms dealer. No license shall be issued to any applicant whose license has been revoked nor to any applicant who has been convicted of a violation of any section of this ordinance until the expiration of five (5) years from the effective date of such revocation or five (5) years from the date of conviction. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications of a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business.

(c) Ninety (90) days after the adoption of this ordinance, no person, firm, or corporation shall engage in business as a firearms dealer in this City without a license as provided by this section. Each day of continuing violation of this section shall be deemed a separate offense.

East Lake

549.07. *Unlawful transactions in weapons.* (a) No person shall: (2) when transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05. * * *

549.08. *Improperly furnishing firearms to a minor.* (a) No person shall: (1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Elyria

757.01. *Permit required for purchases.* No person shall purchase in the City any pistol, revolver, bowie knife, dirk, blackjack or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

757.03. *Conditions for granting permits.* The Chief of Police shall refuse to grant such a permit to:

(a) Persons convicted of any crime

(b) Vagabonds; and

(c) Minors under the age of seventeen years.

Otherwise the Chief of Police shall grant such permit, as provided in this chapter.*

757.05. *Sales to persons without permits.* No person shall sell to any person within the City any pistol, revolver, bowie knife, dirk, blackjack or other weapon of like character which can be concealed on the person unless the person to whom such weapon is sold presents to such person selling the same a permit properly signed by the Chief of Police, and such sale shall be unlawful unless made within fifteen days from the date of the signing of such permit by the Chief of Police, and such sale shall be unlawful unless such person makes and files a report of such sale with the Chief of Police as provided in this chapter.

Englewood

11. *Firearms sold to minors:* It shall be unlawful for any dealer in firearms in said Village to sell any revolver or other pistol of any kind whatever to any minor or minors.

Euclid

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.*

751.01. *Permit to dispose of concealable weapons.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the city, any pistol, revolver, derringer, bowie knife, dirk, or other weapon of like character, which can be concealed on the person, without securing a permit to do so; * * * and no person having secured such a permit, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such.

751.05. *Permit to purchase concealable weapons.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk, or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so.

Fairview Park

532.01. *Permit to dispose of concealable weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the city, any pistol, hand gun, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided, and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this city who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

532.02. *Application for license.* Any person, firm or corporation desiring a license authorizing the sale of any of the deadly weapons mentioned in the preceding section shall make application in writing to the Chief of Police * * *.

532.05. *Sale of firarms or ammunition to minors.* No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, hand gun, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

Nothing in this Section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor provided that the giving of such instructions and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General or provided that such Instructor is the parent of the person receiving such instruction.

532.07. *Permit to purchase concealable weapons.* It shall be unlawful for any person to purchase any pistol, hand gun, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit so to do. * * *.

532.08. *Duties of Chief of Police.* It shall be the duty of the Chief of Police to refuse such permit to: (a) All persons having been convicted of a felony; (b) All persons having been convicted of a misdemeanor involving moral turpitude or convicted of assault and battery; (c) All minors; * * *.

Findlay

49.5. *No firearms, etc., for minors under seventeen.* It shall be unlawful for any person or persons, in the city, to sell, barter, furnish or give to a minor under the age of seventeen years, a resident of the city, an air-gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

Franklin

672.01. *Definitions.* As used in this chapter: (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

(2) Any device, including, without limitation, a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes, without limitation, any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device; * * *

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other military piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subparagraph (3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece;

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or re-enactment thereof, and regulations issued thereunder. (ORC 2923.11)

672.05 *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents or employees of this or any other state or the United States, members of the Armed Forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or re-enactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968" 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance, when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or re-enactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this State and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Section 672.07, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

672.07. *License or permit to possess dangerous ordnance.* (a) Upon application to the Safety Director or Police Chief of the Municipality, and upon payment of the fee specified in subsection (b) hereof, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes as defined in Ohio R.C. 3743.01;

(3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of his duties.

(5) In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose.

(c) Upon investigation, the Safety Director or Police Chief shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(d) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage or use of the dangerous ordnance as the Safety Director or Police Chief considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(e) A temporary permit shall be issued for the casual use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the Safety Director or Police Chief may specify such expiration date, not earlier than one year from the date or issuance, as he considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(f) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the State. The holder of a license may use such dangerous ordnance anywhere in the State. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the Municipality.

672.09 *Unlawful transactions in weapons.* (a) No person shall:

(1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife or similar weapon;

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 672.05, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the County Sheriff or Safety Director or Police Chief of the Municipality;

(3) Knowingly fail to report to the Police Department forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

672.10. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under the age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one;

(3) Furnish any firearm to a person under the age of eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearm safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Galion

549.01. *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containnig an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device; * * *

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or addition thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections.

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder;

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R.C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

549.08 *Unlawful transactions in weapons,* (a) No person shall:

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05.

549.08. *Unlawful transactions in weapons, minor.* (a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Green Springs

38.12. *Sale of explosives to minors.* It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.*

Greenville

509.03. *Sale of firearms.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio Revised Code 1533.13, or to persons exempted under Ohio Revised Code 2903.07.

Grove City

131.06. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Section 1533.13 of the Revised Code.*

Hamilton

729.01. *Record of sale.* It shall be unlawful to sell any firearm, dagger, stiletto, brass or

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

iron knuckles, or billy, unless at the time of such sale the vendor records in a book to be kept for that purpose:

(a) The name and address of the purchaser;

(b) The purpose for which the purchase is made;

(c) The date of such purchase and the hour when such purchase was made;

(d) An accurate description of the item purchased, the number thereof, and the name of the maker thereof;

(e) A description of the purchaser, which description shall set forth his age, his height, the color of his hair, and color of his eyes, and any other identifying marks or characteristics;

(f) A description of the clothing worn by the purchaser;

(g) A description of all visible scars or marks on the face and hands of the purchaser, and of any apparent deformity; and

(h) Whether the purchaser is smooth shaven or wears a mustache, a beard, a goatee, or side whiskers.

729.03. *Sale to minors.* It shall be unlawful to sell any weapon enumerated in Section 729.01 to any person under the age of twenty-one years.

729.04. *Dangerous weapons dealers license.* A license is hereby required, to be obtained in the manner provided in this code, for every dangerous weapons dealer operating in the City of Hamilton.

1309.01. *Identifying marks on weapons.* It shall be unlawful to change, alter, remove, or destroy the name of maker, model, manufacturer's number, or other mark of identification or to sell any dangerous weapon, or to keep or have in possession dangerous weapon capable of use, on which any such mark of identification has been changed, altered, removed, or destroyed, to the knowledge of the person having or selling such weapon.

1315.18. *Possession of explosive, flammable devices regulated.* No person shall make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

Hilliard

134.01. *Definitions.* (A) "Deadly weapon" means any instrument, device, or thing capable of expelling or propelling one or more specially adapated for use as a weapon, or possessed, carried, or used as a weapon.

(B) "Firearm" means any deadly weapon capable of inflicting death, and designed or projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(C) "Handgun" means any firearm desgined to be fired while being held in one hand.

(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single funtcion of the trigger.

(E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device, or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carrier, or used as a firearm.

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency nad a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(J) "Dangerous ordnance" means any of the following, except as provided in division (K) of this section:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(K) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (K)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

134.04. *Possession of dangerous ordnance.* (A) No person shall knowingly acquire, have, carry, or use any dangerous ordnance.

(B) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purpose specified in such sections;

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder;

(6) Carriers, warehousemen, and others engaged in business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to section 2923.18 of the Revised Code, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for the purposes and in the manner specified in such license or permit.

(C) Whoever violates this section is guilty of unlawful possession of dangerous ordnance, a misdemeanor of the first degree.

Hillsboro

131.06. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor

under the age of seventeen years who is hunting in accordance with section 1533.13 of the Revised Code.

Independence

589.01 *License to dispose of concealable weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of selling within the city, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license so to do, as hereinafter provided, and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon except in strict accordance with all municipal, state and federal laws pertaining to firearms.

589.06. *Sale of firearms or ammunition to minors.* No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

Nothing in this section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearms, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor, provided that the giving of such instruction and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Chief of Police, or provided that said instructor is the parent of the person receiving such instructions.

Ironton

134.3. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, b/b gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner, or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

Kent

549.01. *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device; * * *

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat, 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

549.07. *Unlawful transactions in weapons.* (a) No person shall:

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05, * * *

549.08. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

549.13. *License to sell weapons.* (a) No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so as provided in Section 549.14 and no person having

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

secured such a license, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

549.14. *Application for license.* Any person desiring a license authorizing the sale of any of the deadly weapons mentioned in Section 549.13 shall make application in writing to the Mayor, setting out in such application the full name and residence of the applicant, if an individual, and if a firm or corporation, the name and residence of each of its members or officers. Such applicant shall also set out the location at which it is intended or desired to conduct such business. Upon the receipt of such application it shall be the duty of the Mayor to issue a license to the applicant.

549.17 *Application for permit to buy weapon.* (a) No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so.

549.18. *Issuance of permit to buy weapon.* The Chief of Police shall refuse to issue a permit to purchase any weapon mentioned in Section 549.17 to all persons who have been convicted of any crime to vagabonds and minors. Otherwise he shall issue the permit.

Kenton

672.01. *Definitions.* As used in this chapter:
(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:
(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including, without limitation, a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes, without limitation, any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon is issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subparagraph (3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece;

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or re-enactment thereof, and regulations issued thereunder.

672.05. *Unlawful possession of dangerous ordnance.*

(a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents or employees of this or any other state or the United States, members of the Armed Forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or re-enactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968" 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance, when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or re-enactments thereof, and regulations issued thereunder;

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this State and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Section 672.07, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

672.07. *License or permit to possess dangerous ordnance.* (a) Upon application to the Safety Director or Police Chief of the Municipality, and upon payment of the fee specified in subsection (b) hereof, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes as defined in Ohio R.C. 3743.01;

(3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of his duties;

(5) In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose.

(b) Application for a license or temporary permit under this section shall be in writing under oath to the Safety Director or Police Chief of the Municipality. The application shall be accompanied by an application fee of fifty dollars ($50.00) when the application is for a license, and an application fee of five dollars ($5.00) when the application is for a temporary permit. The fees shall be paid into the General Fund of the Municipality. The application shall contain the following information:

(1) The name, age, address, occupation and business address of the applicant, if he is a natural person, or the name, address and

principal place of business of the applicant, if the applicant is a corporation;

(c) Upon investigation, the Safety Director or Police Chief shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(d) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage or use of the dangerous ordnance as the Safety Director or Police Chief considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(e) A temporary permit shall be issued for the casual use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the Safety Director or Police Chief may specify such expiration date, not earlier than one year from the date of issuance, as he considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(f) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the State. The holder of a license may use such dangerous ordnance anywhere in the State. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the Municipality.

672.09. *Unlawful transactions in weapons.* (a) No person shall:

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 672.05, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the County Sheriff or Safety Director or Police Chief of the Municipality;

672.10. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under the age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one;

(3) Furnish any firearm to a person under the age of eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearm safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Lakewood

549.01. *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device; • • •

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowlingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

549.07. *Unlawful transactions in weapons.*

(a) No person shall:

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05, * * *

549.08. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult. * * *

549.13. *License to sell weapons.* (a) No person, firm or corporation shall engage in the business of selling, or sell or give away to any person, within the City, any deadly weapon which can be concealed on the person, without securing a license to do so as hereinafter provided, and no person, firm or corporation having secured such a license shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

549.17. *Permit to purchase weapons; application.* (a) No person shall purchase any deadly weapon which can be concealed on the person without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification, of the person desiring such permit. Such application shall also contain a recommendation, that the permit shall issue, from two persons who shall be known to the Chief of Police as persons of good reputation and residents of the City at least one year or who are taxpayers residing within the City.

Lancaster

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.*

Lima

993.05. *Authority of Mayor in case of riot.* When there is, in the opinion of the Mayor a tumult, riot, mob or body of men acting together with the intent to commit a felony or to do or offer to do violence to person or property and resist the laws of the State within the corporate limits or there is reasonable apprehension thereof, the Mayor may issue his proclamation prohibiting the traffic in, sale, giving away or furnishing of firearms, ammunition and explosives to any person within the City. Upon the issuance of the proclamation, it shall be unlawful for any person to traffic in, sell, give away or furnish firearms, ammunition or explosives of whatsoever kind to any person within the corporate limits.

993.07. *Selling weapons to minors.* It shall be unlawful for any person to sell, barter, furnish or give to a minor under the age of seventeen years, an air-gun, B-B gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly to permit it to be used by a minor under such age.*

Lockland

114.04. *Firearms trade.* No pawnbroker or second-hand dealer shall sell, pawn, take in trade, loan money on or deal in firearms.

136.03. *Sale of firearms to minors.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

Lorain

549.01. *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" means without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device; * * *

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder;

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R.C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

549.07. *Unlawful transactions in weapons.* (a) No person shall:

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05, * * *

549.08 *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Loudonville

672.01. *Definitions.* As used in this chapter: (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including, without limitation, a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes, without limitation, any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowlingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives, amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a miltary weapon and the ammunition therefor, and regardless of its actual age, which employes a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subparagraph (3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece;

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or re-enactment thereof, and regulations issued thereunder.

672.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents or employees of this or any other state or the United States, members of the Armed Forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or re-enactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law.

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968" 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance, when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or re-enactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this State and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Section 672.07, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

672.07. *License or permit to possess dangerous ordnance.* (a) Upon application to the Safety Director or Police Chief of the Municipality, and upon payment of the fee specified in subsection (b) hereof, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators and other persons regularly employing explosives in the course of a legiti-

mate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes as defined in Ohio R.C. 3743.01;

(3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of his duties;

(5) In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose.

(b) Application for a license or temporary permit under this section shall be in writing under oath to the Safety Director or Police Chief of the Municipality. The application shall be accompanied by an application fee of fifty dollars ($50.00) when the application is for a license, and an application fee of five dollars ($5.00) when the application is for a temporary permit. The fees shall be paid into the General Fund of the Municipality. The application shall contain the following information:

(1) The name, age, address, occupation and business address of the applicant, if he is a natural person, or the name, address and principal place of business of the applicant, if the applicant is a corporation;

(c) Upon investigation, the Safety Director or Police Chief shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(d) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage or use of the dangerous ordnance as the Safety Director or Police Chief considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(e) A temporary permit shall be issued for the casual use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the Safety Director or Police Chief may specify such expiration date, not earlier than one year from the date of issuance, as he considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(f) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the State. The holder of a license may use such dangerous ordnance anywhere in the State. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the Municipality.

672.08. *Failure to secure dangerous ordnance.* (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance, shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

672.09. *Unlawful transactions in weapons.* (a) No person shall: * * *

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 672.05, * * *

672.10 *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under the age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one;

(3) Furnish any firearm to a person under the age of eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearm safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Lyndhurst

529.03 *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

Mansfield

13–106. *Unlawful transactions in weapons.* (A) No person shall: * * *

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to section 13–105 of the general offense code or 2923.17 of the Ohio revised code, * * *

13–107. *Improperly furnishing firearms to a minor.* (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

Marietta

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.*

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.

Marion

546.06. *Unlawful transactions in weapons.* (A) No person shall:

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 546.05 of The General Offense Code or 2923.17 of The Ohio Revised Code, * * *.

546.07. *Improperly furnishing firearms to a minor.* (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

Marysville

131.06. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor * * *.*

Mayfield Heights

549.01. *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adopted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(3) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R.C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

549.07. *Unlawful transactions in weapons.* (a) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05, * * *.

549.08. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

549.13. *Sale license, purchase permit required.* (a) No person shall sell, offer to sell, exhibit for sale or engage in the business of selling firearms, air guns, B-B guns or similar weapons, ammunition or explosives without first securing a license to do so from the Chief of Police, as provided in Section 549.14. No person shall sell any weapon or other article as herein defined, which is concealable on the person, to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon, in the manner provided in Section 549.15.

549.14. *License application information; fee and renewal.* Any person desiring a license authorizing the sale of any of the weapons or other articles mentioned in Section 549.13, shall make application in writing to the Chief of Police, upon forms supplied by him, setting forth the full name and residence of the applicant, if an individual, and if a firm or corporation, the full name and residence of each of its members or officers, and any person owning ten percent or more of the outstanding capital stock, and further setting forth the location at which it is intended or desired to conduct such business.

549.15. *Permit application information; fee and disposition.* (a) No person shall purchase a particular weapon or other article as specified in Section 549.13, concealable on the person, without first securing a permit to do so. Before any such permit is granted, an application in writing shall be made to the Chief of Police, on forms to be supplied by him, setting forth the name, residence, age, height, weight and other pertinent information for identification of the person desiring such permit, including fingerprints, if requested, by the Chief of Police. Such application shall be accompanied by a fee of one dollar ($1.00) and upon issuance shall be valid for the purchase of one particular weapon therein described. Such permit shall be given to and collected by the seller, and filed with the City in the seller's report of sales of such weapons.

549.16. *License or permit refusal.* It shall be the duty of the Chief of Police to refuse a license to engage in the business of selling or a permit to purchase any weapon or other article mentioned in Section 549.13 to any person who has been convicted of any crime other than a traffic offense, to any vagrant, any suspicious person, any minor under the age of eighteen years generally or any person who has violated a provision of this chapter during the preceding year.

Moraine

134.05. *Selling firearms to minors.* No pawnbroker or dealer in firearms in the city shall sell any revolver or other pistol or any kind whatsoever to any minor.*

Newburgh Heights

1. *Permit to dispose of concealable weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the Village, any pistol, hand gun, revolver, derringer, bowie knife, dirk, or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided, and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this village who has not secured a permit from the Chief of Police to purchase such weapons in the manner hereinafter provided.

5. *Sale of firearms or ammunition to minors.* No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle shotgun, revolver, pistol, hand gun, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

8. *Permit to purchase concealable weapons.* It shall be unlawful for any person to purchase any pistol, hand gun, revolver, derringer, bowie knife, dirk or other weapon of like character ,which can be concealed on the person, without first securing from the Chief of Police a permit to do so.

9. *Permit of the chief of police.* It shall be

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

the duty of the Chief of Police to refuse such permit to: (a) All persons having been convicted of a felony; (b) All persons having been convicted of a misdemeanor involving moral turpitude or convicted of assault and battery; (c) All minors.

North Canton

131.06. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age * * *.

134.14. *Sale of explosives to minor.* No person shall sell, offer to sell or give away to a minor, any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

North Royalton

545.10. *Sale or gift of concealable firearms.* No person shall sell, barter, furnish or give to any other person any pistol, revolver, derringer or other firearm of like character and caliber, which can be concealed on the person, without providing the Chief of Police with a copy of the United States Department of the Treasury Form 4473, at least seventy-two hours prior to such purchaser or donee taking possession of such firearm.

Olmstead Falls

672.07. *License or permit to possess dangerous ordnance.* (a) Upon application to the Safety Director or Police Chief of the Municipality, and upon payment of the fee specified in subsection (b) hereof, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes as defined in Ohio R.C. 3743.01;

(3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of his duties;

(5) In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose.

(b) Application for a license or temporary permit under this section shall be in writing under oath to the Safety Director or Police Chief of the Municipality. The application shall be accompanied by an application fee of fifty dollars ($50.00) when the application is for a license, and an application fee of five dollars ($5.00) when the application is for a temporary permit. The fees shall be paid into the General Fund of the Municipality. The application shall contain the following information:

(1) The name, age, address, occupation and business address of the applicant, if he is a natural person, or the name, address and principal place of business of the applicant, if the applicant is a corporation;

(c) Upon investigation, the Safety Director or Police Chief shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(d) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage or use of the dangerous ordnance as the Safety Director or Police Chief considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(e) A temporary permit shall be issued for the casual use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the Safety Director or Police Chief may specify such expiration date, not earlier than one year from the date of issuance, as he considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(f) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the State. The holder of a license may use such dangerous ordnance anywhere in the State. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the Municipality.

672.08. *Failure to secure dangerous ordnance.* (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance, shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

672.09. *Unlawful transactions in weapons.* (a) No person shall: * * *

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 672.05. * * *

672.10. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under the age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one;

(3) Furnish any firearm to a person under the age of eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearm safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Ontario

672.01. *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including, without limitation, a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes, without limitation, any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece

which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subparagraph (3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordinance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece;

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (A)(4), and any amendments or additions thereto or re-enactment thereof, and regulations issued thereunder.

672.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents or employees of this or any other state or the United States, members of the Armed Forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or re-enactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968" 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance, when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or re-enactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this State and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Section 672.07, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

672.07. *License or permit to possess dangerous ordnance.* (a) Upon application to the Safety Director or Police Chief of the Municipality, and upon payment of the fee specified in subsection (b) hereof, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes as defined in Ohio R.C. 3743.01;

(3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of his duties;

(5) In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose.

(b) Application for a license or temporary permit under this section shall be in writing under oath to the Safety Director or Police Chief of the Municipality. The application shall be accompanied by an application fee of fifty dollars ($50.00) when the application is for a license, and an application fee of five dollars ($5.00) when the application is for a temporary permit. The fees shall be paid into the General Fund of the Municipality. The application shall contain the following information:

(1) The name, age, address, occupation and business address of the applicant, if he is a natural person, or the name, address and principal place of business of the applicant, if the applicant is a corporation;

(c) Upon investigation, the Safety Director or Police Chief shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(d) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage or use of the dangerous ordnance as the Safety Director or Police Chief considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(e) A temporary permit shall be issued for the casual use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the Safety Director or Police Chief may specify such expiration date, not earlier than one year from the date of issuance, as he considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(f) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the State. The holder of a license may use such dangerous ordnance anywhere in the State. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the Municipality.

672.08. *Failure to secure dangerous ordnance.* (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance, shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

672.09. *Unlawful transactions in weapons.* (a) No person shall:

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 672.05, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the County Sheriff or Safety Director or Police Chief of the Municipality;

672.10. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under the age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one;

(3) Furnish any firearm to a person under the age of eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearm safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Orrville

549.01. *Definitions.* As used in this chapter: (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also

means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder;

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R.C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

549.07. *Unlawful transactions in weapons.* (a) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to section 549.05, * * *.

549.08. *Improperly furnishing firearms to a minor.* (a) No person shall: (1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Parma

553.08. *Sale of explosives, firearms and ammunition to minors.* (a) No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R.C. 3743.01 (A), whether such person is acting for himself or for any other person.

(b) No person shall sell, give, barter or otherwise dispose of any air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, to a minor under the age of seventeen years.*

787.01. *Definition.* As used in this chapter, "person" means individual persons, firms or corporations.

787.02. *Sales license and purchase permit required.* No person shall engage in the business of selling, or sell or give away to any person, or barter or exchange with any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, without securing a license to do so as hereinafter provided. No person, having secured a license, shall sell, give away, barter or exchange any weapon to any person within the City who has not secured a permit from the Director of Public Safety to purchase or otherwise receive such weapon in the manner hereinafter provided.

787.06. *Purchase permit: application information.* No person shall purchase or receive as donee or as one who barters or exchanges, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first securing from the Director of Public Safety a permit to do so. Before any permit is granted, an application in writing shall be made therefor, setting forth in the application the name, address, age, height, weight, complexion, nationality and other elements of identification of the person desiring the permit. The application shall also contain a recommendation that the permittee is known to the Chief of Police as a person of good reputation and a resident of the City for at least one year, or who appears to be a taxpayer residing within the City.

787.08. *Purchase permits restricted.* It shall be the duty of the Director of Public Safety to refuse a purchase permit to:

(a) All persons having been convicted of any felony;

(b) All vagabonds;

(c) All minors under the age of seventeen years.*

Otherwise, it shall be the duty of the Director to grant such permit.

Parma Heights

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. * * *.*

Perrysburg

511.06. *Unlawful transactions in weapons.* (A) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit show-

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

ing him to be authorized to acquire dangerous ordnance pursuant to section 511.05 of the Codified Ordinances of the City or 2923.17 O.R.C., or * * *.

511.07. *Improperly furnishing firearms to a minor.* (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult. * * *

Pleasant Hill

38.10. *Sale of explosives to minors.* It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Portsmouth

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.*

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.

705.32. *Dealers in firearms and ammunition;* * * *. All dealers in guns, revolvers, pistols, firearms, ammunition for firearms or dangerous weapons shall pay a license fee of ten dollars ($10.00) per annum.

Ravenna

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. * * *.*

Reading

65–82–I. No person shall sell, barter, furnish, or give to a minor under the age of 17 years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, * * *.*

Sandusky

13–106. *Unlawful transactions in weapons.* (A) No person shall: * * * (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 13–105 of the General Offense Code or 2923.17 of the Ohio Revised Code, * * *

13–107. *Improperly furnishing firearms to a minor.* (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

Shaker Heights

709.04. *Definitions.* (a) *"Chief of Police"* means the Chief of Police of the City of Shaker Heights or his duly authorized agents.

(b) *"Encased"* means enclosed in a case, container or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but shall not include a holster for a pistol or revolver.

(c) *"Firearm"* means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(d) *"Handgun"* means any pistol, revolver or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(e) *"Firearms dealer"* means any person, firm or corporation, regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Shaker Heights whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) *"Fugitive from justice"* means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(g) *"Resident"* means any person who has a factual place of residence within the limits of the City of Shaker Heights, Ohio.

(h) "Nonresident" means any person who does not have a factual place of residence within the limits of the City of Shaker Heights, Ohio.

(i) "Minor" means any person under the age of twenty-one (21) years.

709.07. *Prohibitions.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is at that time under court adjudication for mental incompetence, or has been committed to a mental institution, hospitalized, or has received hospital treatment for any mental disorder, alcoholism or narcotic addiction within the previous ten (10) years, unless a doctor indicates in writing that such person is completely recovered and sufficiently stable to own or possess a firearm or ammunition.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition if such person has been convicted of a felony involving the use or threat of use of force or violence against the person of another under the laws of this City, the State of Ohio, or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearms or ammunition.

709.09. *Identification card required.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person has been issued a permit to carry a firearm pursuant to Section 709.18 of the Codified Ordinances, or unless such person has been issued a Dealer's License pursuant to Section 709.11 of the Codified Ordinances, or unless such person is exempt from the requirements of an identification card pursuant to Section 709.10 of the Codified Ordinances.

(d) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 709.07 of the Codified Ordinances from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use of possession of narcotics;

(4) A person with more than one (1) conviction of being drunk or disorderly within one (1) year prior to his application for such identification card;

(5) Any person with more than one (1) conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within two (2) years prior to his application for such identification card.

(h) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment within the City, or any nonresident of the City passing through Shaker Heights who complies with the prerequisites of this ordinance, may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

(4) Nonresidents of the City of Shaker Heights; provided that such persons are not prohibited by the provisions of Sections 709.07 or 709.09 of the Codified Ordinances from possessing or using handguns, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the City with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match.

(5) New residents of the City of Shaker Heights, Ohio, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this City for such purpose; provided that such person shall possess and exhibit upon request such valid permit, authorization, or identification

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

709.11 *Dealer's license.* (a) Every firearms dealer in the City of Shaker Heights shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each separate permanent location. Application for such license shall be made to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 709.12 of the Codified Ordinances, the Chief of Police shall issue a license to engage in business as a firearms dealer. The Chief of Police shall not issue a license to any applicant whose prior license has been revoked, nor to any applicant who has been convicted of a violation of any section of this ordinance until the expiration of five (5) years from the effective date of such revocation or five (5) years from the date of conviction. The Gun Control Appeals Board may authorize the issuance of such a permit within a lesser period of time if an appeal is taken to it under the provisions of Section 709.06 of the Codified Ordinances. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications required to secure a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business.

Sheffield Lake

545.10. *Sale and possession of firearms and explosives.* (a) *Definitions.* As used in this section:

(1) "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of any such weapon; or any firearm muffler or firearm silencer.

(2) "Pistol" means any firearm with a barrel less than twelve inches in length.

(3) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(4) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(5) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the Government of the United States, or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

(b) *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years of age an air gun, musket, rifle, shotgun, revolver pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. This subsection is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.*

(c) *Possession restricted.* (1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice, of unsound mind, a drug addict or an habitual drunkard, shall possess a firearm within the City.

(2) No person who is a member of a subversive organization shall possess a firearm within the City.

(3) No person under the age of eighteen shall possess a pistol. The provision of this subparagraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(4) No person shall sell, lease, lend or otherwise transfer a pistol to any person under seventeen years of age, except as provided in subparagraph (3) hereof.*

(d) *Nonserialized pistols.* No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(e) *Sales, transfers and displays regulated.* (1) No manufacturer or dealer, except a manufacturer or dealer having a license issued by the Sheffield Lake Division of Police, shall sell any firearm at wholesale or retail.

(2) No person shall sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(3) When delivered, all pistols must be securely wrapped and must be unloaded.

(f) *False information prohibited.* (1) No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

(2) No person shall give false information concerning the matters referred to in subsections (c)(1) and (c)(2) or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

Shelby

33-68-1. No person within the corporate limits of the City of Shelby, Ohio, shall purchase, own, possess, receive, have on or about his person, or use any pistol, rifle, shotgun, or other firearm, or a knife with a blade longer than three inches, if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of the State of Ohio or any other state or federal laws, unless said person has received written permission to do so by the Chief of Police of the City of Shelby, Ohio.

33-68-2. No person within the corporate limits of the City of Shelby, Ohio, shall purchase, receive, have on or about his person, or use any firearm while under the influence of alcohol, intoxicating liquor, any narcotic drug, hallucinogen, or other dangerous drug.

33-68-3. No person within the corporate limits of the City of Shelby, Ohio shall purchase, receive, have on or about his person, or use any firearm, if such person is a fugitive from justice or is under adjudication of mental incompetence.

Sidney

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting * * *.*

South Euclid

587.01. *License required for sale of weapons.* No person shall engage in the business of selling, or sell or give away to any person within the City any pistol, revolver, derringer, bowie knife, dirk, billy, blackjack, brass knuckles or other weapon of like character, which can be concealed on or about the person, without first securing a license to do so as hereinafter provided. No person having secured such a license shall sell or give away any such weapon to any person within the City who has not first secured from the Chief of Police a permit to purchase such weapon in the manner hereinafter provided.

587.02. *Application for license.* Any person desiring a license authorizing the sale of any of the deadly weapons specified in Section 587.01 shall make application in writing to the Director of Public Safety, setting forth in such application the full name and residence of the applicant, if an individual, and if a firm or corporation the full name and residence of each of its members or officers, and further setting forth the location at which it is intended or desired to conduct such business.

587.05. *Permit to buy weapon.* No person shall purchase or acquire by gift or otherwise any pistol, revolver, derringer, bowie knife, dirk, billy, blackjack, brass knuckles or other weapon of like character, which can be concealed on or about the person, without first securing a permit to do so. Before any such permit is granted, an application in writing shall be made therefor to the Chief of Police, setting forth therein the name, residence, age, height, weight, complexion, nationality and other elements of identification of the person desiring such permit. Such application shall also contain recommendations that such permit shall be issued from two persons who shall be known to the Chief of Police as persons of good reputation and residents of the City for at least one year, or who shall appear to be taxpayers residing within the City.

587.06. *Refusal to issue permit or license.* It shall be the duty of the Director of Public Safety to refuse such license to engage in the business of selling, or to sell or to give away, any of the deadly weapons hereinbefore mentioned, and it shall be the duty of the Chief of Police to refuse such permit to purchase or acquire by gift or otherwise any such weapon, to any person who has been convicted of any crime, any vagrant, any suspicious person or any minor.*

Springdale

672.01. *Definitions.* As used in this chapter: (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including, without limitation, a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes, without limitation, any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subparagraph (3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece;

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (A)(4), and any amendments or additions thereto or re-enactment thereof, and regulations issued thereunder.

672.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents or employees of this or any other state or the United States, members of the Armed Forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or re-enactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968" 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance, when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or re-enactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this State and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Section 672.07, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

672.07. *License or permit to possess dangerous ordnance.* (a) Upon application to the Safety Director or Police Chief of the Municipality, and upon payment of the fee specified in subsection (b) hereof, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes as defined in Ohio R.C. 3743.01;

(3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of his duties;

(5) In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose.

(b) Application for a license or temporary permit under this section shall be in writing under oath to the Safety Director or Police Chief of the Municipality. The application shall be accompanied by an application fee of fifty dollars ($50.00) when the application is for a license, and an application fee of five dollars ($5.00) when the application is for a temporary permit. The fees shall be paid into the General Fund of the Municipality. The application shall contain the following information:

(1) The name, age, address, occupation and business address of the applicant, if he is a natural person, or the name, address and principal place of business of the applicant, if the applicant is a corporation;

(c) Upon investigation, the Safety Director of Police Chief shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(d) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage or use of the dangerous ordnance as the Safety Director or Police Chief considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(e) A temporary permit shall be issued for the casual use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the Safety Director or Police Chief may specify such expiration date, not earlier than one year from the date

of issuance, as he considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(f) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the State. The holder of a license may use such dangerous ordnance anywhere in the State. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the Municipality.

672.08. *Failure to secure dangerous ordnance.* (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance, shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

672.09. *Unlawful transactions in weapons.* (a) No person shall: * * *

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 672.05, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the County Sheriff or Safety Director or Police Chief of the Municipality;

672.10. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under the age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one;

(3) Furnish any firearm to a person under the age of eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearm safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Springfield

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.*

545.07. *Possession of explosive or flammable devices prohibited; exceptions.* No person shall make, use or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible or explosive material, or any substance which can be used as a fire bomb either by igniting the fuse and/or breaking the device. However, any person engaged in any lawful activity, business, calling, employment or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

545.08. *Sale of explosives to minors.* No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R.C. 3743.01(A), whether such person is acting for himself or for any other person.

Steubenville

549.01. *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device; * * *

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R.C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

549.07. *Unlawful transactions in weapons.* (a) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05, * * *.

549.08. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Stow

672.01. *Definitions.* As used in this chapter: (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adopted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including, without limitation, a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adopted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes, without limitation, any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(3) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subparagraph (3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece;

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or re-enactment thereof, and regulations issued thereunder.

672.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents or employees of this or any other state or the United States, members of the Armed Forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or re-enactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968" 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance, when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or re-enactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this State and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Section 672.07, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

672.07 *License or permit to possess dangerous Ordnance.* (a) Upon application to the Safety Director or Police Chief of the Municipality, and upon payment of the fee specified in subsection (b) hereof, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes as defined in Ohio R.C. 3743.01;

(3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of his duties;

(5) In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose.

(c) Upon investigation, the Safety Director or Police Chief shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or

over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(d) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage or use of the dangerous ordnance as the Safety Director or Police Chief considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(e) A temporary permit shall be issued for the casual use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the Safety Director or Police Chief may specify such expiration date, not earlier than one year from the date of issuance, as he considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(f) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the State. The holder of a license may use such dangerous ordnance anywhere in the State. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the Municipality.

672.09. *Unlawful transactions in weapons.* (a) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 672.05, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the County Sheriff or Safety Director or Police Chief of the Municipality;

672.10. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under the age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one;

(3) Furnish any firearm to a person under the age of eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearm safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Tallmadge

71.2.2 *Sale of firearms to minors.* 1. No person shall sell, order, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shot gun, revolver, pistol or other firearm, or ammunition therefore, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

Tiffin

549.01. *Definitions.* As used in this chapter: (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is innoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device; * * *

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) hereof, during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others en-

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

gaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R.C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

549.07. *Unlawful transactions in weapons.* (a) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05, * * *.

549.08. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Toledo

17–19–1. *Definitions.* 1. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

2. "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

3. "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Toledo, whether as the principal business of such person, firm, or corporation, or in addition thereto.

4. "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

5. "Resident" means any person who has a factual place of residence within the limits of the City of Toledo.

6. "Nonresident" means any person who does not have a factual place of residence within the limits of the City of Toledo.

7. "Minor" means any person under the age of twenty-one years.

17–19–2. *Prohibitions.* 1. No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

2. No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

3. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition, if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

4. No person shall knowingly sell, transfer, give, deliver, or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

17–19–4. *Identification card required.* 1. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirement of an identification card pursuant to Section 17–19–5 of the Toledo Municipal Code.

4. A hand gun owner's identification card shall not be issued to any person who is:

A. A person prohibited by Section 17–19–2 of the Toledo Municipal Code from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

B. A minor;

C. A person convicted of an illegal use or possession of narcotics;

D. A person with more than one conviction of being drunk and disorderly within one year prior to his application for such identification card;

E. Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within one year prior to his application for such identification card.

17–19–5. *Exemptions.* 1. The requirements of a handgun owner's identification card contained in Section 17–19–4 of the Toledo Municipal Code do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

A. Any state of the United States, or any political subdivision, department, or agency of either;

B. Officers or agents of any state or the United States or any political subdivision, department, or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry, or use handguns;

C. Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt, or use of any handgun is in the ordinary course of business;

D. Nonresidents of the City of Toledo who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 17–19–2 or 17–19–4 of the Toledo Municipal Code, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the city with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for thirty days only from the date thereof.

E. Nonresidents of the City of Toledo, Ohio, removing to this city for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into this city for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

F. Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

G. Heirs and legatees acquiring any handgun or handgun ammunition through distribution of an estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

H. Carriers, warehousemen, and others engaged in the business of transporting or storing firearms, handguns and their agents, servants, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this state or the United States.

2. No person shall purchase or otherwise obtain, or attempt to purchase or otherwise obtain, any handgun by claiming an exemption pursuant to this section from the requirement of a handgun owner's identification card contained in Section 17–19–4 of the Toledo Municipal Code knowing such claim of exemption to be false.

17–19–6. *Further prohibitions.* 1. No person in this city shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 17–19–4 of the Toledo Municipal Code, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17–19–5 of the Toledo Municipal Code.

17–19–7. *Dealers license.* 1. Every firearms dealer in this city shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this city shall procure a separate license for each such permanent location.

17–19–9. *Records.* 3. No firearms dealer or any agent or employee of such dealer shall

fail to comply with this section or knowingly cause any false information to be entered on a record of sale of any handgun, and no purchaser of any handgun shall give any false information for entry on such record of sale.

Trotwood

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. * * *.

545.13. *Sale license, purchase permit required.* No person, firm or corporation shall give, sell, offer to sell, exhibit for sale or engage in the business of selling firearms, air guns, B–B guns, knives described in Section 545.02, or other weapons, ammunition, explosives or fireworks without first securing a license to do so from the Chief of Police, as hereinfater provided. No person, firm or corporation shall sell or give away any weapon, as herein defined, which is concealable on the person, to any person within the Municipality who has not secured a permit from the Chief of Police to purchase such weapon, in the manner hereinafter provided.

545.16. *License or permit refusal.* It shall be the duty of the Chief of Police to refuse such license to engage in the business of selling or permit to purchase any of the weapons hereinbefore mentioned to any person who has been convicted of any crime, other than traffic offenses, any vagrant, any suspicious person, any minor under the age of eighteen years or any person having violated the provisions of this chapter during the preceding year.

University Heights

626.01. *Definitions.* As used in this chapter: (a) "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(b) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(c) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(d) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect.

(e) "Resident" means any person who has a factual place of residence within the limits of the City.

(f) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(g) "Minor" means any person under the age of twenty-one years.

626.02. *Prohibitions.* (a) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect. However, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving or having on or about his person or using such firearm or ammunition.

626.04. *Identification card required.* (a) No person shall purchase, own, possess, receive, have on or about his person or use any handgun, except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 626.05.

(d) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 626.02 from purchasing, owning, possessing, receiving, having on or about his person or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use or possession of narcotics;

(4) A person with more than one conviction of being drunk and disorderly within one year prior to his application for such identification card;

(5) Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence, against the person of another within one year prior to his application for such identification card.

(1) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment within the City, or any nonresident of the City passing through the City who complies with the prerequisites of this chapter, may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

(4) Nonresidents of the City who are residents of the State, provided that such persons are not prohibited by the provisions of Section 626.02 or 626.04 and possess and exhibit upon request such valid permit, authorization or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun, and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the City with firearms for the sole purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, or for the sole purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for only thirty days from the date thereof;

(5) Nonresidents of the City moving into the City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into the City for such purpose, provided that such persons possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun;

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys;

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun;

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms or handguns, and their agents and servants, to the extent that the ownership, possession, receipt or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States.

626.06. *Further prohibitions; sales; purchases; transfers.* (a) No person in the City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 626.04, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.05.

(b) No person in the City shall sell, deliver, transfer or furnish any handgun to any person in the City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 626.04 or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.05.

626.07. *Dealer's license required.* (a) Every firearms dealer in the City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 626.08 the Chief shall issue a license to engage in business as a firearms dealer. No license shall be issued to any applicant whose license has been revoked nor to any applicant who has been convicted of a violation of any provision of this chapter until the expiration of five years from the effective date of such revocation or five years

from the date of conviction. No person shall be issued a firearms dealer's license who does not meet the qualifications for a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business.

(c) Ninety days after the adoption of this section, no person shall engage in business as a firearms dealer in this City without a license as provided by this section. Each day of continuing violation of this section shall be deemed a separate offense.

672.09. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one; * * *

Wadsworth

529.02. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

Wapakoneta

134.03. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefore, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Warren

545.04. *Sale of firearms; dealer's license; purchaser's permit.* No person shall engage in the business of selling or sell or give away to any person within the City any pistol, revolver, derringer, blackjack or other weapon of like character, which can be concealed on the person, without securing a license to do so * * *. No person, having secured such a license, shall sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

545.08. *Permit required of purchaser.* No person shall purchase any pistol, revolver, derringer, blackjack or any weapon of like character which can be concealed on the person, without first securing from the Police Chief a permit to do so.

545.10. *Qualifications of permittee.* It shall be the duty of the Police Chief to refuse such permits to: (a) all persons having been convicted of any crime, (b) all vagabonds, (c) all minors. Otherwise it shall be the duty of the Police Chief to grant such permit.

Warrensville Heights

672.01. *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including, without limitation, a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes, without limitation, any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device; * * *

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subparagraph (3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece;

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or re-enactment thereof, and regulations issued thereunder. (ORC 2923.11)

672.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents or employees of this or any other state or the United States, members of the Armed Forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or re-enactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this State and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance, when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or re-enactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this State and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Section 672.07, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

672.07 *License or permit to possess dangerous ordnance.* (a) Upon application to the Safety Director or Police Chief of the Municipality, and upon payment of the fee specified

in subsection (b) hereof, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes as defined in Ohio R.C. 3743.01;

(3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;

(4) Financial instittuion and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of his duties;

(5) In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose.

(b) Application for a license or temporary permit under this section shall be in writing under oath to the Safety Director or Police Chief of the Municipality. The application shall be accompanied by an application fee of fifty dollars ($50.00) when the application is for a license, and an application fee of five dollars ($5.00) when the application is for a temporary permit. The fees shall be paid into the General Fund of the Municipality. The application shall contain the following information:

(1) The name, age, address, occupation and business address of the applicant, if he is a natural person, or the name, address and principal place of business of the applicant, if the applicant is a corporation;

(c) Upon investigation, the Safety Director or Police Chief shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance wil be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(d) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage or use of the dangerous ordnance as the Safety Director or Police Chief considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(e) A temporary permit shall be issued for the casual use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the Safety Director or Police Chief may specify such expiration date, not earlier than one year from the date of issuance, as he considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(f) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the State. The holder of a license may use such dangerous ordnance anywhere in the State. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the Municipality.

672.08. *Failure to secure dangerous ordnance.* (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

672.09. *Unlawful transactions in weapons.* (a) No person shall: * * *

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 672.05, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the County Sheriff or Safety Director or Police Chief of the Municipality;

672.10. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under the age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one;

(3) Furnish any firearm to a person under the age of eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearm safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Waterville

510.06. *Unlawful transactions in weapons.* (A) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 510.05 of the General Offense Code or 2923.17 of the Ohio Revised Code, * * *.

510.07. *Improperly furnishing firearms to a minor.* (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one; * * *.

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

West Carrollton

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

West Milton

131.06. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish, or give to a minor under the age of seventeen, an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.*

(B) This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Sec. 1533.13 of the Revised Code. (RC Sec. 2903.06) Penalty, see Sec. 130.99.

Whitehall

549.01. *Definitions.* As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device; * * *

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employées of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R.C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

549.07. *Unlawful transactions in weapons.* (a) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05, * * *.

549.08. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

549.16. *Sale or gift of deadly weapons; license required.* (A) No person shall sell or give away to any person within the City any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned without securing a license to do so from the Chief of Police; and no person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit as required by Section 549.17.

549.17. *Purchase of deadly weapons; permit required.* (A) No person shall purchase, redeem or remove from deposit or pledge any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

Wickliffe

549.14. *Permit to sell or purchase concealable weapon required.* (a) Permit Required. No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver or similar weapon, which can be concealed on the person, without securing a permit to do so, as hereinafter provided. No person having secured such a permit shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

(e) *Permit to purchase concealable weapon.* No person shall purchase any pistol, revolver or similar weapon which can be concealed on the person, without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of the person desiring such permit. Such application shall also contain a recommendation that the permit be issued from two persons known to the Chief of Police as persons of good reputation and residents of the City for at least one year, or who appear to be taxpayers residing within the City.

Willoughby

38.10 *Sale of explosives to minors.* It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

785.01. *License to dispose of concealable weapons.* No person shall engage in the business of selling, or sell or give away to any person within the city, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so, as hereinafter provided. No person having secured such a license shall sell or give away any such weapon to any person within the city who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

785.05. *Permit to purchase concealable weapons.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *.

Wintersville

771-1. It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the Village, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so, as hereinafter provided, and no person having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon * * *.

771-2. It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *.

771-3. It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either of sale or to purchase firearms by any persons not a citizen of the United States.

Worthington

549.06. *Unlawful transactions in weapons.* (A) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05 of the General Offenses Code of 2923.17 of the Ohio Revised Code, * * *.

549.07. *Improperly furnishing firearms to a minor.* (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

Xenia

549.01. *Definitions.* As used in this chapter: (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearms of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause phyisical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device; * * *

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type described in subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

549.05. *Unlawful possession of dangerous ordnance.* (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;

(3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat, 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R.C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

549.07. *Unlawful transactions in weapons.* (a) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05 * * *.

549.08. *Improperly furnishing firearms to a minor.* (a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Yorkville

774-1. *License required.* It shall be unlawful for any person, firm, or corporation, to engage in the business of selling, or to sell or give away to any person within the Village of Yorkville, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so, * * *, and no person, firm, or corporation having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon * * *.

774-5. *Application for permit by individual to purchase.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

774-6. *Permit to purchase firearms to be refused—when.* It shall be the duty of the Chief of Police to refuse such permit to: (a) All persons having been convicted of any crime. (b) All vagabonds. (c) All minors.

774-7. *American citizenship required for sale or purchase of firearms.* It shall be un-

lawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either for sale or to purchase firearms by any person not a citizen of the United States.

Youngstown

13-106. *Unlawful transactions in weapons.* (A) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to section 13-105 of the General Offense Code or 2923.17 of the Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the County or Safety Director or Police Chief of the municipality where the transaction takes place; * * *.

13-107. *Improperly furnishing firearms to a minor.* (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

OKLAHOMA

State Law

OKL. ST. ANN. TITLE 21

1272. *Carrying weapons.*—It shall be unlawful for any person in the State of Oklahoma to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, switchblade knife, spring-type knife, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon.

1273. *Selling weapons to minors.* It shall be unlawful for any person within this State, to sell or give to any minor any of the arms or weapons designated in the two preceding sections.

1288. *Purchase of firearms, ammunition and equipment in contiguous states by Oklahoma residents* * * *(a) Residents of the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in a state contiguous to the State of Oklahoma, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the contiguous state in which the purchase is made. * * *.

1289.3 "Pistols" defined.—"Pistols" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include flare guns, underwater fishing guns or blank pistols.

1289.4 "Rifles" defined.—"Rifles" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

1289.5 "Shotguns" defined.—"Shotguns" as used herein shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

1289.10 Furnishing firearms to mentally incompetent or insane persons.—It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron, idiot or is insane.

1289.12 Selling or transferring of firearms to convicted felons, disturbed persons or persons under influence of alcohol or drugs—Displaying notice.—It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon, nor shall it be lawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of any shotgun, rifle or pistol to any individual who is under the influence of alcohol or drugs or is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this section prominently in full view at or near the point of normal firearms sale, trade or transfer.

1321.1. *Citation.* This Act shall be known and referred to as the Oklahoma Riot Control and Prevention Act.

1321.2. *Definitions.* As used in this Act:

"State of Emergency" means an emergency proclaimed as such by the Governor pursuant to Section 3 of the Act.

"Governor" means the Governor of this State or, in case of his removal, death, resignation, or inability to discharge the powers and duties of his office, then the person who may exercise the powers of Governor pursuant to the Constitution and laws of this State relating to succession in office.

1321.4. *Acts which may be proclaimed prohibited.* (a) The Governor during the existence of a State of Emergency, by proclamation, may, in the area described by the proclamation, which said proclamation shall not cover any part or portion of the State not affected by public disorder, disaster, or riot at the time said proclamation is issued, prohibit:

(3) the manufacture, transfer, use, possession, or transportation of a Molotov Cocktail or any other device, instrument, or object designed to explode or produce uncontained combustion;

(4) the transporting, possessing, or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operations of motor vehicles, normal home use or legitimate commercial use;

(5) the possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business.

Ada

395.60. *Weapons prohibited to certain persons.* * * *. It shall be unlawful for any Licensee under this Chapter to sell, loan or give away any firearm, knife or other dangerous weapon to a minor, a known drunkard, or any person known to be under the influence of intoxicating liquors or drugs, or to any person who is known as an habitual user of drugs, or to any person who is commonly known to be a "police court character", which is defined to be a person who has been convicted of three or more offenses against the ordinances of this City other than traffic offenses in the police court of this City, or to any person known to have been previously convicted of any felony. Before such firearm, knife or other weapon may be sold, loaned or given to any person, such person's identification shall be determined by such Licensee. * * *.

551.B. *Furnishing certain weapons to minors unlawful.* It shall be unlawful for any person within the City of Ada, Oklahoma, to sell or give to any minor any of the arms or weapons designated in the preceding section.

Healdton

2. *It shall be unlawful for any person* to sell to a minor any pistol, revolver, bowie knife, dirk, dagger, sling shot, sword, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense or offense, within the corporate limits of the City of Healdton.

Hominy

14c. *Weapons, selling or giving them to minors.* The act of selling or giving to any minor any pistol, revolver, device, bowie knife, dirk, dagger, billy club, metal knucks or any other dangerous weapon is a public offense.

Hugo

14-40. *Pistol permit required.* It shall be unlawful and an offense for any person to purchase, receive or accept in any manner any revolver, pistol or other like firearm within the City of Hugo, Oklahoma without first having obtained a written permit from the chief of police of the City of Hugo, authorizing such person to receive or accept such revolver, pistol or other like firearm.

14-41. *Definition.* The word "pistol" or "revolver" as used in this article shall be construed as meaning any firearm with a barrel less than twelve (12) inches long.

14-42. *Sale allowed only to permit holders.* No person, firm or corporation shall sell, deliver, barter or give, or otherwise transfer a pistol, revolver or other like firearm within the City of Hugo to any person who is not the holder of a written permit from the chief of police of Hugo authorizing such person to purchase, receive or accept such revolver, pistol, or other like firearm; and in no case shall any person, firm or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the chief of police of Hugo in the manner provided hereinafter.

Lawton

6-63. *Purchase of pistol. Permit required.* It is unlawful for any person to purchase, receive, or accept in any manner any revolver, pistol, or other like firearm within the City of Lawton, Oklahoma, without first

having obtained a written permit from the police department of the City of Lawton, Oklahoma, authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm. Provided, that regular dealers in such articles may accept such articles without a permit at any time.

6-64. *No sale to person without permit.* No person, firm, or corporation shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver, or other like firearm within the City of Lawton, Oklahoma, to any person who is not a holder of a written permit from the police department of Lawton, Oklahoma, authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm; and in no case shall any person, firm, or corporation deliver a pistol, revolver, or other like firearm to the person to whom it is to be sold or transferred until approved by the police department of Lawton, Oklahoma. * * *.

6-66. *Persons ineligible for permit; investigation.* It is the duty of the police department of Lawton, Oklahoma, to refuse such permits to all persons having been convicted of a felony under the laws of the State of Oklahoma or of any other state of the United States, and to all minors, drug addicts, unnaturalized foreign-born persons, and such other persons as he has reasonable cause to believe are not of sound mind and discretion and of good moral character. When he has reasonable cause to believe that such revolver, pistol, or other like firearm is to be used for lawful purposes, it shall be the duty of the police department to issue a qualified applicant a written permit authorizing him to purchase, receive, or accept such revolver, pistol, or other like firearm. Any permit so issued shall not be valid for a period in excess of thirty days.

6-69. *Duty of seller.* It shall be the duty of any person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm, as provided in this article, at the time such sale, gift, or delivery is made, to require the holder of such permit to deliver the permit to such person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm; and it shall be the duty of any person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm to deliver such permit to the police department of Lawton, Oklahoma, at the time the report of such sale or gift is made, as provided in this article.

Midwest City

23-138. *"Pistol" and "revolver" defined.* The word "pistol" or "revolver" as used in this division shall mean any firearm with a barrel less than twelve (12) inches long.

23-139. *Permit required.* It shall be unlawful for any person to purchase, receive or accept in any manner any revolver or pistol within the city without first having obtained a written permit from the chief of police of the city authorizing such person to receive or accept such revolver or pistol.

23-140. *Applications; information required.* Applications for permits to purchase, receive or accept any revolver or pistol as required by this division shall be made to the chief of police upon blanks to be provided therefor. Such application shall give the name of the applicant, his age, occupation, place of residence, height, weight, race, nationality and such other information and evidence of identification and character as the chief of police may require.

23-142. *Persons ineligible for permit.* It shall be the duty of the chief of police to refuse permits required by this division to all persons having been convicted of a felony under the laws of the State of Oklahoma, or of any other state, or of the United States, and to all minors, drug addicts, unnaturalized foreign-born persons and such persons as he has reasonable cause to believe are not of sound mind.

23-145. *Transfer to person without permit prohibited.* No person shall sell, deliver, barter, give or otherwise transfer a pistol or revolver within the city to any person who is not the holder of a written permit from the chief of police of the city authorizing such person to purchase, receive or accept such revolver or pistol; and in no case shall any person deliver a pistol or revolver to the person to whom it is to be sold or transferred until approved by the chief of police in the manner provided in this division.

23-146. *Seller to require permit and deliver to chief of police.* It shall be the duty of the person who sells, transfers or gives away any pistol or revolver as provided in this division, at the time such sale, gift or delivery is made, to require the holder of such permit to deliver the permit to the seller. It is the duty of the seller to deliver such permit to the chief of police at the time the report of such sale or gift is made as required by this division.

23-147. *Private sales to be reported.* Every person who sells, deliver or gives to any person in the city, except to regular dealers in such articles, any revolver, or pistol shall, within twenty-four (24) hours after making such sale or gift, make and file with the chief of police a legible report, written in the English language, stating therein the date of such sale or gift, the correct name, age, residence, height, weight, color of hair and eyes, nationality and race of such purchaser or donee. Such written report shall also contain the make, kind, description, caliber, model, manufacturer's number or other marks of identification of such pistol or revolver sold or delivered. Each day of failure to make such report shall be a separate offense.

Muskogee

18-7. *Application for purchases of weapons.* (a) All persons handling, selling or offering for sale, transferring or delivering any pistol, revolver, dirk, bowie knife, dagger, billy, brass, iron or other metal knucks, or any knife having a spring handle, or any similar dangerous or deadly weapon capable of being carried or concealed upon the person, shall, at the time of the sale or delivery thereof to any purchaser or other person receiving such a weapon, require the purchaser or other person receiving the same to sign and swear to an application for the purchase thereof upon a written blank showing the name, age, sex, occupation, color of hair, color of eyes, weight, height, complexion, place of residence, the length of time such applicant has resided at such place of residence, and containing a description of the weapon for the purchase of which application is made, including the make, caliber and factory number, if any, thereon. The dealer or person selling or delivering any such weapon shall, at the time of the sale or delivery to such purchaser, require that the application have shown thereon, for the purpose of identification, the fingerprints of the purchaser.

(b) It shall be the duty of all persons subject to the provisions of this section to deliver to the police department of the city, not later than the day following any delivery or sale of any weapon hereunder, the application containing the information above required and the signature and fingerprints of the purchaser.

(c) The provisions of this section shall not apply to the sale, delivery or transfer of weapons between individuals who are not dealers therein, nor shall the provisions hereof apply to weapons commonly and usually used in hunting game and not capable of being carried concealed about the person.

Oklahoma City

21-53. *Receipt of pistol; permit required.* No person shall purchase, receive, or accept in any manner any pistol without first having obtained a written permit from the Chief of Police authorizing the person to receive or accept the pistol.

21-54. *Transfer of pistol to person without permit.* (a) Transfer without permit. No person shall transfer a pistol to any person who is not a holder of a written permit from the Chief of Police authorizing the person to purchase, receive or accept the pistol.

(b) Delivery of pistol only after Police approval. No person shall deliver a pistol to the person to whom it is to be transferred until approved by the Chief of Police in the manner provided in this Division.

21-55. *Application for permit to receive pistol.* (a) Contents of application. Applications for permits to purchase, receive or accept any pistol shall be made to the Chief of Police upon blanks to be provided. The application shall give the name of the applicant, his age, occupation, place of residence, height, weight, race, and nationality and other information and evidence of identification and good moral character as the Chief of Police may require.

(b) False information in pistol application. No person applying for a permit shall give false information or offer false evidence of his identity.

21-56. *Persons ineligible for pistol permit; investigation.* The Chief of Police shall refuse to issue the permits described in Sections 21-53 and 21-55 to all persons having been convicted of a felony under the laws of the State, or of any other state, or of the United States, and to all minors, drug addicts, unnaturalized foreign born persons and such other persons as he has reasonable cause to believe are not of sound mind. If the Chief of Police shall be satisfied after an investigation that the applicant is a suitable person of sound mind and discretion and of good moral character, and that the pistol is to be used for lawful purposes, he shall issue the applicant a written permit authorizing him to purchase, receive or accept the pistol.

21-58. *Transfer of pistols to be reported; separate offense for each day of failure to report.* Every person who transfers to any person, except to regular dealers in these articles, any pistol shall, within twenty-four (24) hours after making the transfer, make and file with the Chief of Police a legible report, written in the English language, stating the date of the transfer, the correct name, age, residence, height, weight, color of hair, eyes, race and nationality of the transferee. This written report shall also contain the make, kind, description, caliber, model, manufacturer's number, or other marks of identification of the pistol transferred. Each day of failure to make this report shall be a separate offense.

21-59. *Transfers of pistols.* No person shall purchase, receive or accept in any manner, or transfer any pistol between 5:00 P.M. and 8:00 A.M.

21-62. *Antique pistols excepted.* Nothing contained in this Division shall be deemed to apply to antique pistols which are incapable of being used as pistols.

21–165. *Sale or gift of explosives to minors.* No person shall sell, give, or deliver to any minor any of the following explosives: Gunpowder, blasting powder, giant powder, gun cotton, nitroglycerin, dynamite, dynamite caps, or other explosives of a similar character.

21–166. *Sale to or possession of weapons by minors.* (a) No person under the age of twenty-one (21) years shall carry, discharge, use or be in possession of any firearm, weapon, air gun, gas-operated gun, or any bow or sling type instrument made for the purpose of throwing or projecting missiles of any kind and capable of inflicting injury. (b) No person shall sell to a minor any of the firearms or weapons named in Subsection (a).

Shawnee

48–3. *Sale of weapons to minors prohibited.* It shall be unlawful for any person in the city to sell to any minor any of the arms or weapons enumerated in Section 48–1. It shall be unlawful for any person, in the city to sell to a minor any rifle, shotgun or any firearm of any character without a written consent of parent or guardian of such minor. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed fifty dollars.

48–6. *"Pistol" and "revolver" defined.* The words "pistol" and "revolver", as used in this article, shall be construed as meaning any firearm with a barrel less than twenty inches long.

48–7. *Applicability of article.* Nothing contained in this article shall be in any manner construed as a permit to carry such revolver, pistol or similar firearm contrary to any regulation of the city or the laws of the state.

Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being used as such.

48–8. *Permit to purchase, receive, etc.—Required.* No person shall purchase, receive or accept in any manner any revolver, pistol or other similar firearm within the city, without first obtaining a written permit from the chief of police authorizing such person to receive or accept such revolver, pistol or other similar firearm.

48–9. *Same—Application.* Applications for permits to purchase, receive or accept any revolver, pistol or other similar firearm shall be made to the chief of police upon blanks to be provided therefor, * * *, and no person applying for such permit shall give false information or offer false evidence of his identity.

48–10. *Same—Prerequisites to issuance; issuance.* It shall be the duty of the chief of police to refuse permits for pistols, revolvers and other similar firearms to all persons who have been convicted of a felony under the laws of the state, any other state or the United States, and to all minors, drug addicts, unnaturalized foreign-born persons and such other persons as he has reasonable cause to believe are not of sound mind. If the chief of police is satisfied, after investigation made, that the applicant is a suitable person, of sound mind and discretion and of good moral character, and that such revolver, pistol, or other similar firearm is to be used for lawful purposes, it shall be the duty of the chief of police to issue to such applicant a written permit authorizing him to purchase, receive or accept such revolver, pistol or similar firearm.

48–12. *Sale of pistols, revolvers, etc.* (a) No person shall sell, deliver, barter, give or otherwise transfer a pistol, revolver or other similar firearm within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such revolver, pistol or other similar firearm; and in no case shall any person deliver a pistol or revolver or other similar firearm to the person to whom it is to be sold or transferred until approved by the chief of police in the manner provided in this chapter.

(c) It shall be the duty of any person who sells, transfers or gives away any pistol, revolver or similar firearm as provided in this section, at the time such sale, gift or delivery is made, to require the holder of the required permit to deliver the permit to such person who sells, transfers or gives away any pistol, revolver or similar firearm; and it shall be the duty of any such person who sells, transfers or gives away any pistol, revolver or similar firearm to deliver such permit to the chief of police at the time the report of such sale or gift is made.

Tulsa

443. *Sales permitted—Rules.* All persons trading, selling or offering for sale, any pistol, revolver, dirk, dagger, bowie knife, capable of being carried concealed upon the person, shall at the time any such weapons are sold or delivered, require such person receiving or purchasing such weapon to sign an application for the purchase of such weapon, upon blanks to be furnished by the City of Tulsa to the dealers in weapons of the above description. * * * The dealer selling such weapon shall also, at the time of sale or delivery, require such person to make and leave with such dealer, a record of such purchaser's fingerprints, such prints to be made upon suitable blanks to be furnished to such dealer by the said City of Tulsa. * * *

Provided, the provisions of this section shall not apply to the sale or transfer of weapons herein defined between individuals who are not dealers in such weapons; nor to the sale of weapons usually used in hunting game and which are not capable of being carried concealed upon the body of the person carrying the same.

OREGON

State Law

O.R.S.

166.210. *Definitions.* (1) "Pistol," "revolver" and "firearms capable of being concealed upon the person," apply to and include all firearms having a barrel less than 12 inches in length.

(2) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which two or more shots may be fired by a single pressure on the trigger device.

166.250. *Unlawful possession of weapons.* (1) Except as otherwise provided in this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290, or 166.410 to 166.470, any person who possesses or has in his possession any machine gun, or carries concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person, without having a license to carry such firearm as provided in ORS 166.290, is guilty of a misdemeanor, unless he has been convicted previously of any felony or of any crime made punishable by this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290 or 166.410 to 166.470, in which case he is guilty of a felony.

(2) This section does not prohibit any citizen of the United States over the age of 18 years who resides in or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business is required of any such citizen.*

(3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

166.260. *Persons not affected by ORS 166.250.* ORS 166.250 does not apply to or affect:

(1) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers.

(2) Any person summoned by any such officer to assist in making arrests or preserving the peace, while said person so summoned is actually engaged in assisting the officer.

(3) The possession or transportation by any merchant of unloaded firearms as merchandise.

(4) Members of the Army, Navy, or Marine Corps of the United States, or of the National Guard, when on duty.

(5) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(6) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organizations.

(7) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.

(8) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.

166.270. *Aliens and convicts forbidden to possess arms.* Any unnaturalized foreign-born person or any person who has been convicted of a felony against the person or property of another or against the Government of the United States or of this state, or of any political subdivision of this state, who owns, or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person, or machine gun, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years.

166.430. *Licenses to sell at retail.* Licensing authorities of any city, county, town or other municipality within this state may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture:

(3) Before any pistol or revolver shall be delivered:

(a) One hundred twenty hours shall have elapsed after application for the purchase and

---

* NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

the register entries required by ORS 166.420 have been completed; and

(b) The purchaser either is personally known to the seller or presents clear evidence of his identity.

(5) When a pistol or revolver is delivered it shall be unloaded and securely wrapped.

166.440 *Unlicensed persons selling or advertising for sale concealable firearms.* Any person who, without being licensed as provided in ORS 166.430, engages in the business of selling or otherwise transferring, or who advertises for sale or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, is guilty of a misdemeanor.

166.450. *Obliteration or change of identification marks on firearms.* Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years. Possession of any such firearm upon which the same has been changed, altered, removed or obliterated, is presumptive evidence that the possessor has changed, altered, removed or obliterated the same.

166.460. *Antique firearms excepted.* ORS 166.230, 166.250 to 166.270, 166.280, 166.290, 166.410 to 166.450, and 166.470 do not apply to antique pistols or revolvers incapable of use as such.

166.470. *Limitations and conditions for sales of concealable firearms.* No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by ORS 166.270 from owning or possesing such firearms, nor to any minor under the age of 18 years. Such firearm shall not be delivered to the purchaser on the day of the application for its purchase, and when delivered it shall be securely wrapped and unloaded. When neither party to the transaction holds a dealers' license, the vendor shall not sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Violation of this section is a misdemeanor.

166.480. *Sale or gift of explosives and firearms to children.* Any person who sells, exchanges, barters or gives to any child, under the age of 14 years, any explosive article or substance, other than an ordinary firecracker containing 10 grains of gunpowder; or who sells, exchanges, barters or gives to any such child any firearms, or other device of a like kind, ordinarily used or ordinarily capable of being used in discharging gunpowder in a greater quantity than 10 grains; or who sells, exchanges, barters or gives to any such child, any instrument or apparatus, the chief utility of which is the fact that it is used, or is ordinarily capable of being used, as an article or device to increase the force or intensity of any explosive, or to direct or control the discharge of any such explosive, is guilty of a misdemeanor.

166.490. *Purchase of firearms in certain other states.* (1) As used in this section, unless the context requires otherwise:

(a) "Contiguous state" means California, Idaho, Nevada or Washington.

(b) "Resident" includes an individual or a corporation or other business entity that maintains a place of business in this state.

(2) A resident of this state may purchase or otherwise obtain a rifle or shotgun in a contiguous state and receive in this state or transport into this state such rifle or shotgun, unless the purchase or transfer violates the law of this state, the state in which the purchase or transfer is made or the United States.

(3) This section does not apply to the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

(4) This section expires and stands repealed upon the date that section 922(b)(3) of the Gun Control Act of 1968 (18 U.S.C. 922(b)(3)) and regulations pursuant thereto are repealed or rescinded.

480.070. *Fire bombs prohibited; exceptions.* (1) No person shall possess a fire bomb. For the purpose of this section a "fire bomb" is a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having an integral wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illuminating shall be deemed to be a fire bomb for the purpose of this section.

Corvallis

41. It shall not be lawful for any person or persons, within the limits of the city of Corvallis, to give or furnish, or sell to any minor or minors, under the age of 18 yrs. any target gun, or airgun, or pistol, or revolver, or shotgun, or any firearms, without the written order of the parent or legal guardian of such minor. * * *.*

Eugene

3.440 *Weapons—Conditions of license.* Every license issued to a business dealing in deadly weapons or firearms is issued upon the following terms and conditions: (b) The licensee will not sell, deliver, or otherwise transfer a pistol, revolver or other firearm capable of being concealed on the person to a person whom he has cause to believe is an alien or who has been convicted of a felony.

(c) The licensee shall not sell, deliver, or otherwise transfer a weapon to a minor under the age of 18 years.*

(f) No pistol or revolver shall be delivered on the day of the application for the purchase, and when delivered, shall be unloaded and securely wrapped, unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Fossil

79-2. *Unlawful to sell firearms, etc.* That hereafter it shall be unlawful for any person or dealer in the Town of Fossil to sell, expose, or offer for sale, or in any manner furnish or dispose of to any resident of the Town of Fossil, or to any person for use in said Town, or to any minor person at any time, any blank cartridge pistol or revolver, or any blank cartridges, or any of the explosives, firecrackers, or fireworks, the use of which is prohibited in Section 1 of this Ordinance.

Gresham

483-1. On and after October 1, 1968, it will be necessary for any person, firm or corporation to do business within the City of Gresham for the sale of firearms, particularly pistols, revolvers and other firearms, to secure an annual City license for the sale of such firearms. * * * All licenses issued for the sale of firearms shall be subject to the following conditions:

3. No pistol or revolver shall be delivered on the day of the application for the purchase, or unless the purchaser either is personally known to the seller or presents clear evidence of his identity; * * *.

Klamath Falls

47-13. *Sale, offering for sale, etc., prohibited.* No person shall sell, offer for sale, or give away, either as the owner or the agent of the owner thereof, any gun or device which can be carried on or about a person and used for the purpose of releasing gas, fumes or liquids, to blind, or impair the eyesight, or sicken, or disable a human being. Such gun is hereby declared to be a dangerous weapon.

47-14. *Permit required to carry on person; exception.* No person shall carry or have on or about his person, or in his possession, any weapon described in section 47-13, without first securing a permit from the sheriff of the county, granting him to such privilege; except that duly authorized peace officers, are not included in this section.

Myrtle Creek

5-6.5. (e) *Sales to intoxicated persons and minors.* No person shall purchase from or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.*

Oregon City

6-4-1. *Definitions:* (A) As used in this chapter, "firearm" means a pistol, revolver, gun, rifle or other ordnance, including a miniature weapon, which projects a missile or shot by force of gunpowder or any other explosive, by spring or by compressed air.

(C) "Deadly weapon" means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury.

6-4-7. *Sale or distribution of miniature firearms and ammunition:* It is unlawful for any person to give, furnish, loan, sell, offer for sale, or distribute any miniature pistol, firearm, or instrument capable of receiving or discharging any cartridge, charge of powder, or other explosive or any ammunition therefor, within the City.

6-4-9. *Sale or distribution of deadly weapons or ammunition to minors; possession by minors:* It is unlawful for any person to give, furnish, loan or sell to any minor under eighteen (18) years of age any deadly weapon as defined in 6-4-1, and it is unlawful for any person to give, furnish, loan or sell any ammunition to any minor to be used or capable of being used in any deadly weapon as defined in 6-4-1; and it is unlawful for any such minor to have any such deadly weapon or ammunition in his or her possession; and it shall be unlawful for any parent or guardian of any minor to permit such minor to have such a deadly weapon or ammunition in his or her possession, except that in the case of concealable deadly weapons, such as pistol or revolver, it is unlawful to sell these weapons to anyone under the age of twenty one (21) years.

6-4-10. *Licenses to sell at retail.* Licensing authorities of Oregon City may grant licenses in form prescribed by the Attorney General of the State of Oregon, effective for not more than one year from date of issue, permitting the licensee to sell at retail within Oregon City pistols, revolvers and

---

*NOTE.—Licensee under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture:

(C) Before any pistol or revolver shall be delivered: 1. One hundred twenty (120) hours shall have elapsed after application for the purchase and the register entries required by ORS 166.420 have been completed; and * * *

(F) Firearms received in trade or for resale by a dealer must be checked with the Chief of Police within one hundred twenty (120) hours of receiving same to determine whether it is a stolen or illegal weapon.

Portland

7.168.010. *Fees.* (a) Dealers in weapons. Dealers in deadly weapons or firearms shall pay an annual license fee of fifty dollars.

7.168.020. *Deadly weapon or firearm dealer defined.* Any person engaging in the business of selling or offering for sale at retail or wholesale any pistol, revolver, derringer, bowie knife or other weapon of like character that can be concealed upon the person, is considered a dealer in deadly weapons or firearms.

7.168.040. *Conditions of license.* Every license issued under the provisions of this chapter is issued upon the following terms and conditions:

(1) The licensee shall observe all the provisions of the ordinances of the city, of the laws of the state relating to the business of dealing in deadly weapons or firearms; the licensee will not sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe is an alien or who has been convicted of a felony, nor will he sell, deliver, or otherwise transfer any such weapon to any minor under the age of eighteen years;*

(4) No pistol or revolver shall be delivered on the day of the application for the purchase, and when delivered, shall be unloaded and securely wrapped; or unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; * * *

14.04.020. *Dangerous or deadly weapon.* As used in this code, "dangerous or deadly weapon" includes any revolver, pistol or other firearm, metal knuckles, a straight razor, any instrument or weapon of the kind commonly known as a blackjack or sap, or any type of knife other than an ordinary pocket knife with a blade not longer than three and one-half inches. When carried with intent to use the same unlawfully against another, "dangerous or deadly weapon" also includes any instrument or device capable of inflicting injury to the person or property of another.

14.32.060. *Sale or distribution of miniature firearms and ammunition.* It is unlawful for any person to give, furnish, loan, sell, offer for sale, or distribute any miniature pistol, firearm, or instrument capable of receiving or discharging any cartridge, charge of powder, or other explosive or any ammunition therefor, within the city.

14.32.080. *Sale or distribution of dangerous or deadly weapons or ammunition to minors—Possession by minors.* It is unlawful for any person to give, furnish, loan or sell to any minor under eighteen years of age any dangerous or deadly weapon as defined in Section 14.04.020; and it is unlawful for any person to give, furnish, loan or sell any ammunition to any minor to be used or capable of being used in any dangerous or deadly weapon as defined in Section 14.04.020; and it is unlawful for any such minor to have any such dangerous or deadly weapon or ammunition in his or her possession; and it shall be unlawful for any parent or guardian of any minor to permit such minor to have such a dangerous or deadly weapon or ammunition in his or her possession.*

Springfield

8-20-1. *Definition.* A weapons dealer is any person engaged in the business of selling or offering for sale at retail rifles, pistols, revolvers, derringers, or other weapons or firearms of like character. a. Any person selling or offering for sale a firearm bought for lawful personal use or purchasing a firearm for lawful personal use, and engaging in not more than two such transactions per year shall not be subject to the provisions of this article nor considered to be a weapons dealer.

8-20-2. *Licenses.* It shall be unlawful for any person to engage in a business as a weapons dealer without first having obtained a license from the City Recorder to do so.

8-20-5. *Condition of license.* Every license issued to a business dealing in weapons is issued upon the following terms and conditions:

(b) The licensee will not sell, deliver, or otherwise transfer a pistol, revolver or other firearm capable of being concealed on the person to a person whom he has cause to believe is an alien or who has been convicted of a felony.

(c) The licensee shall not sell, deliver or otherwise transfer a weapon to a person who is under the age of 18 years, intoxicated or under any obvious abnormal mental condition.*

(f) No pistol or revolver or other firearms capable of being concealed on the person shall be delivered sooner than 120 hours after the application for the purchase and when delivered, shall be unloaded and securely wrapped, unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

PENNSYLVANIA

State Law

PENN. STATS. ANN. (PURDON'S) TITLE 18

908. *Prohibited offensive weapons* (a) Offense defined.—A person commits a misdemeanor of the first degree if, except as authorized by law, he makes repairs, sells, or otherwise deals in, uses, or possess any offensive weapon.

(b) Exception.—It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similiarly negativing any intent or likelihood that the weapon would be used unlawfully.

(c) Definition.—As used in this section "offensive weapon" means any bomb, grenade, machine gun, sawed-off shotgun, fire-arm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

6102. *Definitions* Subject to additional definitions contained in subsequent provisions of this subchapter which are applicable to specific provisions of this subchapter, the following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Firearm." Any pistol or revolver with a barrel less than 12 inches, any shotgun with a barrel less than 24 inches, or any rifle with a barrel less than 15 inches.

"Crime of violence." Any of the following crimes, or an attempt to commit any of the same, namely: murder, rape, aggravated assault, robbery, burglary, entering a building with intent to commit a crime therein, and kidnapping.

6105. *Former convict not to own a firearm, etc.* No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

6110. *Persons to who delivery shall not be made* No person shall deliver a firearm to any person under the age of 18 years, or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.*

6111. *Sale of firearms* (a) Time and manner of delivery.—No seller shall deliver a firearm to the purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said firearm shall be securely wrapped and shall be unloaded.

(b) Statement to be signed by purchaser.—At the time of applying for the purchase of a firearm, the purchaser shall sign in quadruplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, length of barrel, make, model, and manufacturer's number of the firearm to be purchased, and a statement that he has never been convicted in this Commonwealth, or elsewhere, of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered or certified mail one copy of such statement to the chief or head of the police force or police department of the city, or the sheriff of the county of the place of business of the seller, the duplicate, duly signed by the seller, shall, within seven days, be sent by him, with his address, to the Commissioner of the Pennsylvania State Police, the triplicate he shall retain for six years, and the quadruplicate with the proper signature and address of the seller shall, within six hours after such application, be forwarded by registered or certified mail to the chief or head of the police force or police department of the city or to the sheriff of the county of which the buyer is a resident.

(c) Exemption.—This section shall not apply to sales at wholesale.

6112. *Retail dealer required to be licensed* No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm without being licensed as provided in this subchapter.

6115. *Loans on, or lending or giving firearms prohibited* No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this subchapter.

6116. *False evidence of identity* No person shall, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry the same, give false information or offer false evidence of his identity.

*NOTE.—Licensees under the Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

6117. *Altering or obliterating marks of identification* (a) Offense defined.—No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm.

(b) Presumption.—Possession of any firearm, upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

6118. *Antique firearms* This subchapter shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments.

6141. *Purchase of firearms in contiguous states* (a) General rule. It is lawful for a person residing in this Commonwealth, including a corporation or other business entity maintaining a place of business in this Commonwealth, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this Commonwealth and to receive or transport such rifle or shotgun into this Commonwealth.

(b) Applicability of section.—(1) This section applies to residents of this Commonwealth who obtain rifles or shotguns from a state contiguous to this Commonwealth in compliance with the Gun Control Act of 1968, State laws and local ordinances. (2) This section shall not apply or be construed to affect in any way the purchase, receipt or transportation or rifles and shotguns by Federally licensed firearms manufacturers, importers, dealers or collectors.

(c) Definitions.—(1) As used in this section the term "a state contiguous to this Commonwealth" means any state having a common border with this Commonwealth. (2) The other terms used in this section shall have the meanings ascribed to them by Public Law 90-618 known as the "Gun Control Act of 1968."

6302. *Sale or lease of weapons and explosives* (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells or causes to be sold or leases to any person under 18 years of age any deadly weapon, cartridge, gunpowder, or other similar dangerous explosive substance.

(b) Exception.—The provisions of subsection (a) of this section shall not prohibit hunting by minors under 18 years of age permitted under provisions of The Game Law.

6303. *Sale of starter pistols* (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells, causes to be sold, gives or furnishes to any person under the age of 18 years, or if he, being under the age of 18 years, purchases, accepts, receives or possesses, any pistol commonly referred to as "starter pistol" specially designed to receive and discharge blank cartridges only or similar pistol.

(b) Exception.—Nothing in this section shall prohibit the use of starter pistols for the purpose of starting or officiating at athletic events, use in dramatic productions, or other similar events.

7306. *Incendiary devices* (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he owns, manufactures, sells, transfers, uses or possesses any incendiary device or similar device or parts thereof, including but not limited to a "molotov cocktail."

(b) Exception.—The provisions of subsection (a) of this section shall not apply to authorized personnel of the United States, the Commonwealth or any political subdivision, who use incendiary devices as part of their duties.

(c) Definition.—As used in this section the phrase "incendiary device," means any inflammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

Abington Township

Sale or furnishing weapons to persons under the age of eighteen years. 2. Whoever knowingly and wilfully sells or causes to be sold, or supplies or furnishes to any person under eighteen (18) years of age any rifle, air rifle or air gun of any description in the Township of Abington, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment in the County Jail not exceeding ten (10) days.

California

4-4. *Sales to intoxicated persons and minors.* No person in the Borough shall sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant or to any person in a condition of agitation and excitability, or to minor under the age of 18 years.*

Clifton Heights Borough

1. That it shall be unlawful and it is hereby prohibited for any person, persons, firm or corporation to store, sell, offer or expose for sale at retail, use or discharge, or have in their possession with intent to sell at retail or with intent to use or discharge and/or to use or discharge within the limits of the BOROUGH OF CLIFTON HEIGHTS any air gun, air pistol, spring gun, or pistol, starter guns, blank guns, beebe guns, sling shots or any implement not a firearm which impels with force a pellet of any kind. "At retail" shall mean any sale of less than one dozen such articles, or any sale to anyone not a bona fide dealer therein.

Harrisburg

721.02. *Emergency measures.* 1. Whenever the Mayor pursuant to Section 721.01 of this Code of Ordinances declares that a state of emergency exists, (a) the emergency measures provided in Paragraph 2 of this Section shall thereupon be in effect during the period of said emergency and throughout the City.

2. (a) The sale or transfer of possession, with or without consideration, the offering to sell or so transfer and the purchase of any ammunition, guns or other firearms of any size or description is prohibited. (b) The displaying by or in any store or shop of any ammunition, guns or other firearms of any size or description is prohibited. * * *.

Lancaster

747.03. *Sale of deadly weapons.* The provisions of this article shall not apply to air guns or pistols, gas-powered guns or pistols having rifled barrels and being commonly used for target practice and the shooting of small game. For the purposes of this article, such articles shall be deemed to be deadly weapons and may be sold by dealers licensed to sell firearms after proper application has been made by the purchaser thereof on forms prepared by the Commissioner of Police and supplied by him to the dealer. The dealer shall have the prospective purchaser of such weapon fill out the application and shall immediately thereafter file a copy of said application with the Commissioner of Police. If the Commissioner of Police does not notify the dealer that he has any objection to the sale within a period of forty-eight (48) hours thereafter, then the dealer may complete the sale and file a record of such completion with the Commissioner of Police on forms to be supplied by said Commissioner.

Lower Moreland Township

69-1a. Any person in Lower Moreland Township under eighteen (18) years of age, unless acting under the supervision of and in the presence of a parent or guardian, who purchases or possess any pellets or shot for an air gun or ammunition for a rifle or other firearm, shall upon summary conviction by any Justice of the Peace of this Township, pay a fine not in excess of Fifty ($50.00) Dollars and in default of payment shall undergo imprisonment not in excess of twenty (20) days."

69-1b. Any person in Lower Moreland Township who shall sell, furnish or give any pellets or shot for an air gun or ammunition for a rifle or other firearm to any person under eighteen (18) years of age, unless the minor receiving the aforesaid shot, pellets or ammunition is accompanied by and acting under the supervision of a parent or guardian, shall upon summary conviction by any Justice of the Peace of Lower Moreland Township pay a fine not in excess of One Hundred ($100.00) Dollars and in default of payment shall undergo imprisonment not in excess of thirty (30) days.

69-2. Whoever knowingly and wilfully sells or causes to be sold, to any person under eighteen (18) years of age any rifle, air rifle, or air gun of any description in the Township of Lower Moreland, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars ($50.) and in default of the payment of such fine and costs, shall be sentenced to imprisonment in the County Jail not exceeding ten (10) days.

Marcus Hook Borough

The Borough Council of the Borough of Marcus Hook does ordain: 1. That it shall be unlawful for any person or persons to use and/or sell any device known as air rifles, B. B. guns, or guns of any nature which expel, shot or project a bullet, pellets, shot or any article whatsoever by use of air or otherwise within the limits of the Borough of Marcus Hook.

McKeesport

1. *Be it ordained and enacted by the City of McKeesport* in Council assembled, and it is hereby ordained and enacted by the authority of the same, That from and after the passage of this ordinance, it shall be unlawful for any person or persons, firm or corporation to engage in the sale, barter or trade of revolvers or pistols without first obtaining a license from the Mayor of the City of McKeesport to so engage in this business, * * *.

2. *It shall be unlawful for any person or persons,* firm or corporation to sell to any individual any revolver or pistol without prospective purchaser first having secured a permit from Police Department showing the name of the prospective purchaser, together with said prospective purchaser's address and occupation.

Mt. Lebanon Township

3. *No person, firm or corporation shall* sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, unless they, or it, shall have first received a written license so to do, signed by the Township

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

Manager of said Township. * * *

Mt. Oliver Borough

5. No person other than duly authorized personnel of the Borough, City, County, State or Federal law enforcement agencies, shall carry, sell, or display, barter, loan, give away, transfer, transport, discharge, or use any weapon, ammunition or explosive device of any kind or nature whatsoever including firearms, air rifles, bows and arrows, swords, knives, razors, bayonets, axes, hatchets, bombs, missiles or any other weapon or device designed or intended to inflict bodily harm or injury to property at any place within the Borough.

Philadelphia

10-814. *Acquisition or transfer of firearms.* (1) Definition.

(a) Firearm. Any rifle, pistol, revolver, gun or shotgun.

(b) Department. Department of Licenses and Inspections.

(2) Prohibited conduct. No person shall acquire or transfer any firearm in the City, and no person shall acquire a firearm outside of the City, which is brought into the City, unless application has been made to, and license obtained from, the Department.

(4) License. (a) No license shall be issued unless the Police Department, after due investigation, approves the application.

(5) Duty of transferor or vendor.

(a) No transferor or vendor shall give, transfer, sell or deliver possession of any firearm to any person unless the transferee or vendee supplies to the transferor or vendor the required license for the scrutiny of the vendor or transferor.

(b) If no manufacturer's number of the firearm appears on the license, the transferor or vendor shall insert said number in the designated space, and shall forthwith notify the Police Department of the sale or transfer of the particular firearm and advise the Police Department of the manufacturer's number of said firearm which was inserted on the license.

(6) Exclusions. No license shall be required under this section.

(a) by any governmental agency which owns or acquires firearms; or

(b) for transfer of firearms between a manufacturer and a duly licensed dealer, or between one licensed dealer and another dealer, in their usual course of business; or

(c) for licensed pawnbrokers, accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time a license shall be obtained for the sale or transfer, as provided herein.

9-606. *Ammunition.* (2) *Definitions.* In this Section the following definitions apply: (a) *Ammunition.* Any material used in discharging any type of firearm or any projectile discharged by said firearm. (b) *Minor.* Any person under the age of 18 years.

(3) *Prohibitions.* (a) Any person engaged in the business of selling ammunition shall be required to comply with the following: * * *

(b) No person shall sell, give or delivery any ammunition to minors; provided, that this Section shall not apply to ammunition supplied by a parent or guardian to his child or children, for lawful purposes.*

(c) No person shall sell any ammunition which can be used in pistols, revolvers or other hand guns unless the purchaser produces satisfactory written identification and registers his name and address.

(4) *Licenses.* (a) No person shall sell any ammunition unless he first receives a license from the Department.

Scranton

1. The Council of the City of Scranton ordains that for the purpose of preventing the carrying of concealed deadly weapons and the commission of other crimes and breaches of the peace, it shall be unlawful for any person, whether as principal or agent, to sell or otherwise dispose of any pistol, revolver, (including those for discharge of blank cartridges) slung-shot, handy-billy, dirk-knife, or other deadly weapon readily capable of concealment upon the person, unless a permit for such sale or other disposition has first been obtained from the Superintendent of the Bureau of Police in the manner hereinafter provided.

2. Every person desiring to purchase or acquire any weapon enumerated in Section 1 of this ordinance may make written application therefor accompanied by payment of a fee of $1.00 to the Superintendent of the Bureau of Police for the use of the City of Scranton. Said application shall set forth the reasons why such purchase or acquisition is desired and such other information as said Superintendent may require. If said Superintendent shall deem such application well grounded and such applicant to be of good moral character, he shall grant a non-transferable permit, which shall be signed by the applicant in the presence of said Superintendent or his duly authorized representative.

3. Such permit shall authorize the applicant within thirty days thereafter to purchase or otherwise lawfully acquire a weapon of the class enumerated in Section 1 of this ordinance, upon the surrender of such permit and the signing thereof for the purposes of comparison in the presence of the person selling or otherwise disposing of said weapon.

Shamokin Borough

52-4. *Purchase, sale or discharge of fireworks, etc., prohibited; exception.* From and after the passage of this ordinance, it shall be unlawful for any person or persons to purchase, sell or discharge any firecrackers, rockets, squibs, guns, pistols or other firearms or fireworks of any kind within the limits of the Borough of Shamokin (now City) unless a license for exhibition is granted for the same by the Chief Burgess (now Mayor) or the Borough Council (now City Council).

Springfield Township

545-3. The Board of Commissioners of the Township of Springfield does ordain: Whoever knowingly and wilfully sells or causes to be sold or supplies or furnishes to any minor person any rifle, air rifle, or air gun of any description or ammunition or pellets for the same, or bow and arrows, or shotguns, guns or any firearm or weapon from which a shot or other object is discharged by an explosive force, in the Township of Springfield shall upon conviction thereof in a summary proceeding before a Justice of the Peace, be sentenced to pay a fine not exceeding $50.00 and in default of the payment of fine and costs, shall be sentenced to imprisonment in the County Jail not exceeding ten days.

Swissvale Borough

1464-3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, to any person under twenty-one (21) years of age.

1579-2. *Every prospective purchaser* of any of the foregoing arms shall first apply to the Police Department for a permit, giving such information as to the said Department shall require, and no permit shall be issued until after three (3) days have elapsed from the date of application. No seller of said arms shall sell such arms or guns without said permit.

Upper Southampton

39.2 *Whoever knowingly and willfully* sells or causes to be sold or supplies or furnishes to any person under eighteen years of age, any gun, rifle, air rifle, or air gun, or any firearm of any description in the Township of Upper Southampton, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding One Hundred ($100.) Dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment in the County Jail for a period not exceeding thirty (30) days.*

West Conshohocken Borough

246-3. It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations, to transfer, store, sell, offer or expose for sale, or to have possession with intent to sell any gun, pistol, shotgun, rifle or other firearm within the Borough of West Conshohocken, unless duly licensed according to law.

Williamsburg

3. It shall be unlawful for any person who knowingly and wilfully sells or causes to be sold to any person under 16 years of age, any deadly weapon or knowingly or wilfully to sell any cartridge, gun powder or other dangerous and explosive substance.*

Wyomissing Borough

578-1(c) *Dealing with Minors and Certain Other Persons.* Purchase from, or sell, loan, give, trade, deliver or otherwise furnish any weapon described in sub-section (b) herein, or ammunition therefor, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years; excepting bows and arrows with respect to minors.*

PUERTO RICO

L.P.R.A. Title 25

413. *Sale or transportation of machine guns.* Any person who sells or keeps for sale, or offers, gives, leases, or loans, or otherwise disposes of or transports any instrument or weapon of the kind usually known as a machine gun shall be guilty of a felony. This section shall not apply to the manufacture, sale or delivery of machine guns for the use of the police and other peace officers, or for the use by officers or employees of the Government of Puerto Rico or of the United States, prisons, penitentiaries, Commonwealth or municipal jails, or for the use of the armed forces of the United States or of Puerto Rico.

415. *Possession of machine gun or sawed-off shotgun.* Any person who possesses or uses a machine gun, or a sawed-off shotgun, shall be guilty of a felony. This section shall not be applicable to the possession or use of machine guns in the discharge of their official duties by members of the police, by wardens, superintendents, or any of their deputies of any prison, penitentiary, district or municipal jail, or other institution for the detention of persons convicted of or charged with any offense or held as witnesses in crim-

*Note.—Licensees under the Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

inal cases or any other public peace officers; nor shall it apply to the possession or use of machine guns by any person when on duty in the service of the armed forces of the United States or of Puerto Rico, or in the postal, customs, and immigration services of the United States or in any service of the Government of the United States authorized by the law of its creation to use such weapons, nor to the possession by common carriers while the latter transports them directly for delivery at any point for the use of the officers or persons above named.

416. *Possession of pistol or firearm without license.* Any person who has or possesses any pistol, revolver, or other firearm without having a license therefor issued as hereinafter provided, shall be guilty of a misdemeanor and, if previously convicted of any violation of this chapter, or of any of the offenses specified in section 427 of this title, or uses the weapon in the commission of any of such offenses, shall be guilty of a felony.

420. *Possession or sale of silencer.* Any person who has in his possession, sells, or keeps for sale, loans, offers, gives or disposes of any instrument, attachment, weapon or appliance, for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, shall be guilty of a felony. The provisions of this section shall not apply to the members of the Police of Puerto Rico or the National Guard, nor to the members of the armed forces of the United States.

421. *Serial number or name of owner on firearm—Removal or defacement.* Every firearm shall bear, so as not [to] be easily altered or defaced, the name of the gunsmith or the trade-mark under which the firearm shall be sold or the name of the importer, and furthermore a serial number or the full name of the owner engraved thereon. The requirement that every firearm shall have engraved thereon a serial number or the name of the owner thereof shall not apply to guns or rifles whose barrel is 18 inches long or more, nor to rifles .22 caliber or less, whose barrel is 16 inches long or more, manufactured in Puerto Rico to be exported abroad by the gunsmith himself. The gunsmith shall be under obligation to take all reasonable measures and precautions to prevent that such firearms be stolen or otherwise removed from the gunsmith's warehouses where they are stored pending shipment and that same be offered, held for sale, sold, leased, or delivered to any person within Puerto Rico.

Any person shall be guilty of a felony who:

(a) Wilfully removes, defaces, covers, alters, or destroys the serial number of any firearm or the name of the owner thereof; or who:

(b) Knowingly buys, sells, receives, alienates, transfers, carries or has in his possession any firearm from which the serial number or name of the owner thereof has been removed, defaced, altered, or destroyed; or who:

(c) Being a dealer in firearms or a gunsmith, or an agent or representative of such dealer or gunsmith, knowingly purchases, sells, receives, delivers, alienates, transfers, carries, or has in his possession any firearm on which the serial number or name of the owner thereof has been removed, defaced, covered, altered, or destroyed.

425. *License to possess firearms; weapons for farmers.* The Chief of Police of Puerto Rico may, when an application therefor is presented to him by any householder, merchant, or farmer, and provided the requirements hereinafter provided for are complied with, issue to such applicant a license to have and possess a pistol or revolver, and authorizing him, if a householder, to have and possess such weapon in his residence, or if a merchant, to have and possess a weapon in his place of business, or, if a farmer, a weapon in his farm. The license provided for by this section shall not authorize to carry such weapon outside the residence, place of business or farm, as the case may be.

The Chief of Police of Puerto Rico may also issue a license to any person to have and possess a shotgun on a farm of which such person may be the owner, possessor, or administrator.

The provisions of this paragraph shall not be construed in the sense of authorizing the Chief of Police of Puerto Rico to issue licenses to have and possess in the same farm more than one short weapon (revolver or pistol) and a long weapon (shotgun).

427. *Grounds for refusing to issue license.* The Chief of Police of Puerto Rico shall not issue a license to have and possess a firearm to any person convicted in or outside Puerto Rico of any of the following offenses or of the attempt to commit the same: murder in any degree, voluntary manslaughter, kidnapping, rape, mayhem, assault with the intent to commit murder or manslaughter, aggravated assault and battery, when such offense was committed with a cutting, piercing or fire weapon, robbery, burglary, larceny, arson, incest, or violation of sections 1247–1257 of Title 33, or violation of section 1442 of Title 33; nor to any person who is mentally unbalanced, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions hereof.

430. *Persons who may lawfully carry weapons.* (a) The following may lawfully have, possess, bear, transport and carry weapons:

1. Members of the Armed Forces of the United States and of Puerto Rico in the discharge of their duties as such and under the provisions of the laws and regulations of their respective organizations.

2. The members of the Police of Puerto Rico under the provisions of the regulations of the said organization.

3. The Superintendent of Prisons, heads of Commonwealth penitentiaries and jail wardens, under the regulations provided by the Secretary of Justice.

4. Penal guards and convict guards, under the regulations provided by the Secretary of Justice.

5. United States customs and immigration officials, while in the discharge of their duties.

(b) A revolver or pistol may be lawfully owned, possessed, borne, transported, and carried by:

1. The judges and prosecuting attorneys of the courts of justice.

2. Any officer of the Government of Puerto Rico when a permit to carry firearms should, in the opinion of the Chief of Police of Puerto Rico, be issued to the said officer by reason of the duties of his position and the said permit is issued to him by the Chief of Police of Puerto Rico.

3. Mail carriers in the performance of their duties.

4. The marshals and deputy marshals of any tribunal or court.

5. Carriers of public funds while such funds are in their custody.

6. Carriers of private funds and custodians of private funds in banking institutions while such funds are in their custody, upon issuance to them of a permit by the Superior Court of Puerto Rico, before which such carriers or custodians, or their employers, shall have justified their need for such permit.

7. Internal-revenue collectors and agents while in the performance of their duties and provided they have been so authorized by the Chief of Police of Puerto Rico at the request of the Secretary of the Treasury of Puerto Rico to carry a revolver or a pistol.

432. *License to sell or deal in firearms and ammunition; report of transactions.* (a) No person may engage in the business of gunsmith or dealer in firearms and ammunition without holding a license therefor issued by the Secretary of the Treasury upon favorable report of the Chief of Police of Puerto Rico.

(b) The provisions of subdivision (a) above shall likewise be applicable to dealers who introduce firearms and ammunition into Puerto Rico. * * *

(d) Any dealer in firearms and ammunition who holds a license issued in accordance with this chapter may acquire a firearm registered in the Weapons Register under the provisions of subdivisions (a), (b) and (d) of section 439 of this title, by purchase from the person who has it registered in his name, provided such person has a license to have and possess said firearms, issued in accordance with this chapter. Before a firearm is sold under the provisions of this subdivision, both the vendor and the vendee shall give notice thereof in writing to the Chief of Police, and the former shall deliver to said officer his license to have and possess a firearm. The sale of a firearm under the provisions of this subdivision shall not prevent the vendor from obtaining a new license to have and possess a firearm in accordance with this chapter.

434. *Qualifications of dealer applicant.* No license as gunsmith or dealer in firearms and ammunition shall be issued to a person not over 21 years of age, and not a citizen of Puerto Rico and of the United States.

436. *Conditions for dealers' operations; records of transactions.* Any person, partnership or corporation, to whom or to which a license has been issued under the foregoing sections may engage in the retail sale of firearms and ammunition or in the gunsmith business, under the following conditions:

3. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer, or the latter clearly establishes his identity. This requirement shall not apply to gunsmith businesses as regards firearms and/or ammunition for export.

437. *Acquisition of weapons by persons authorized in section 430.* The officials and persons lawfully authorized to have, possess, carry, convey and transport firearms under the provisions of subdivision (a) and paragraphs 4, 5 and 7 of subdivision (b) of section 430 of this title, shall obtain such weapons and the ammunition therefor through the heads of their respective departments or services.

438. *Sales of weapons and ammunition without licenses prohibited; sales slips.* No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser [any] other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the sales slip, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the sales slip has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase,

and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a license to carry, or a license to have and possess a firearm.

445. *Hunting and target shooting arms excepted.* The provisions of this chapter shall not apply to the possession, bearing, carrying, transportation and use of hunting and target shooting arms to all of which the acts in force on the matter shall apply.

446. *Collections of antique weapons; certificates of uselessness.* No provision hereof shall prevent that private collections of antique weapons, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of weapons kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Chief of Police of Puerto Rico shall be necessary and the latter shall render such weapons useless, so that the same may not be used as such. The Chief of Police of Puerto Rico shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any weapon not included in said certificate shall be subject to all the provisions hereof.

454. *Definitions.* For the purposes of this chapter, the phrases and terms hereinafter listed shall have the following meaning and definition:

(a) "Machine gun" is a weapon of any description, irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other removable receptacle by one continued pull of the trigger. The term machine gun also includes a submachine gun.

(b) "Firearm" means any weapon by whatever name known, capable of discharging one or more ammunitions through the expanding action of gases.

(c) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(f) "Gunsmith" means any person, firm, partnership, or corporation engaging in the manufacture, repairing, altering, assembling, cleaning, polishing, engraving, or trueing, or performing any mechanical operation for another on any pistol, revolver, or other firearm.

(g) "Dealer in firearms or ammunition" shall mean any person, firm, partnership or corporation who, per se or through its agents, servants, or employees, purchases or introduces for sale, sells, trades, exchanges, offers for sale, or displays for sale, or has for sale, in his business establishment or other place, whether or not also used as a residence or for any other purpose, any pistol, revolver, firearm, or ammunition.

(i) "Householder" means any person who has established a permanent home, domicile or residence under his own responsibility and authority. There may not be more than one householder in any permanent home, domicile or residence.

(j) "Dwellings" and "Buildings" mean the whole part of a structure used or occupied by a single person or a single family.

(k) "Vehicle" means any device serving for the transportation of persons or things by land, sea, or air.

(l) "Person", "Merchant" and "Farmer" for the purposes of sections 425, 426, 427, 428, 429 of this title, shall include a partnership or corporation, but any license requested for the benefit of such artificial person under the provisions of the sections mentioned, may be granted only in the name of a specific officer or employee of such artificial person, provided such officer or employee meets the requirements prescribed in this chapter.

(m) "Police" means the Police Force of Puerto Rico.

(n) "Chief of Police of Puerto Rico" means the Chief of the Police of Puerto Rico.

541. *Concealed weapons and instruments.* It shall be a misdemeanor, punishable as provided in section 546 of this title, to bear, carry, transport, possess or sell any weapon, instrument or device whose general configuration conforms to that of a revolver or pistol and which is capable of detonating blank shells, blank cartridges or any other unit not provided with a missile, that could produce explosion through combustion, including among such weapons, instruments or devices, those revolvers, pistols, instruments and devices known by the name of starter's pistol, blank cartridge pistols, blank cartridge revolvers, blank starter's pistols, blank pistols, blank revolvers, blank starter's revolvers, or any others whose general configuration conforms to those of a revolver or pistol and which fires blank cartridges, blank capsules, or blank shells. By blank capsule, blank shell or blank cartridge shall be understood any hollow unit, cylindric or cubic in form, not provided with a missile, containing in its interior any chemical agent or compound capable of producing explosion by combustion, and provided with a percussion-sensitive detonator.

542. *Exceptions.* Excepted from the provisions of section 541 above are revolvers especially manufactured for sportive events and theatrical shows and used for such purposes, provided the barrel thereof is a solid cylinder with no orifice whatsoever and ending in a cone.

RHODE ISLAND

State Law

R.I.L. TITLE 11

11-13-3. *Sale of fulminate cartridges or contrivances to minors.* No person shall sell to any child under the age of fifteen (15) years, without the written consent of a parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge or of any fulminate. Nothing in this section shall authorize the sale of any blank cartridge except as provided in § 11-13-5. Every person violating the provisions of this section shall be fined not less than ten dollars ($10.00) nor more than twenty dollars ($20.00) for each offense.

11-13-4. *Toy canes or devices for firing blanks.* No person or persons shall sell, expose for sale, or have in his or their possession with intent to sell or use, or shall discharge or use, within this state, any repeating toy cane for discharging any explosive, any toy pistol or any other toy device designed or used for the discharge of blank cartridges.

11-13-8. *Delivery or transportation of unmarked explosives or inflammable substances.* Every person who shall knowingly deliver or cause to be delivered to any person or carrier any box, can or other package of nitroglycerine, gunpowder, naphtha or other equally inflammable and explosive substance, material or fluid, not marked with a plain and legible label describing its contents, or who shall remove or cause to be removed any such label or mark, or who shall carry or cause to be carried on any vessel, car or vehicle operated in the transportation of passengers by a common carrier, which vessel, car or vehicle is carrying passengers for hire, any box, can or other package of nitroglycerine, gunpowder, naphtha, guncotton or substance or material containing guncotton, or any other equally inflammable and explosive material, substance or fluid, shall be fined not more than ten thousand dollars ($10,000) or imprisoned not more than five (5) years.

11-47-2. *Definition of terms.* When used in §§ 11-47-1 to 11-47-56, inclusive, the following words and phrases shall be construed as follows:

"Pistol" shall include any pistol or revolver, and any shotgun, rifle or similar weapon with overall length less than twenty-six (26) inches, but shall not include any pistol or revolver designed for the use of blank cartridges only.

"Machine gun" shall include any weapon which shoots automatically and any weapon other than twenty-two (22) caliber rim fire which shoots more than fourteen (14) shots semi-automatically without reloading.

"Firearm" shall include any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB gun," so-called or other instrument from which steel or metal projectiles are propelled, except such instruments propelling such projectiles which instruments are designed or normally used for a primary purpose other than as a weapon.

"Person" shall include individual, partnership, firm, association or corporation.

"Licensing authorities" shall mean the board of police commissioners of a city or town where such board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and in towns where there is no chief of police or superintendent of police it shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant, and it shall also mean any other person or body duly authorized by the city or town charter or by state law.

"Crime of violence" shall mean and include any of the following crimes or an attempt to commit any of the same, viz.: murder, manslaughter, rape, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony.

"Fugitive from justice" shall mean any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

"Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly.

11-47-5. *Possession of arms by person convicted of crime of violence or who is a fugitive from justice.* No person who has been convicted in this state or elsewhere of a crime of violence or who is a fugitive from justice shall purchase, own, carry, transport or have in his possession or under his control any firearm.

11-47-6. *Possession of arms by mental incompetents, drug addicts, and persons adjudicated an habitual drunkard.* No person who is under guardianship or treatment or confinement by virtue of being a mental incompetent, or who has been adjudicated or is under treatment or confinement as a drug addict, or who has been adjudicated or is

under treatment or confinement as an habitual drunkard shall purchase, own, carry, transport or have in his possession or under his control any firearm. Any person affected by the provisions of this section, other than a person who has been pronounced criminally insane by competent medical authority, after the lapse of a period of five (5) years from the date of being pronounced cured by competent medical authority, may, upon presentation of an affidavit issued by competent medical authority to the effect that he is a mentally stable person and a proper person to possess firearms, make application for the purchase of said firearm(s). If said person has no other disqualifying record he will be allowed to purchase and possess firearms.

11-47-7. *Possession of pistol or revolver by alien.* No unnaturalized foreign born person who has resided in the United States for less than ten (10) years shall purchase, own, carry, transport or have in his possession or under his control any pistol or revolver. The provisions of this section shall be waived in the case of an unnaturalized foreign born person arriving in or passing through this state for the purpose of competing in a match organized under the auspices of a national shooting organization.

11-47-8. *License required for carrying pistol—possession of machine gun.* No person shall, without a license therefor, issued as provided in §§ 11-47-11, 11-47-12, and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his person whether visible or concealed, except in his dwelling house or place of business or on land possessed by him or as provided in §§ 11-47-9 and 11-47-10, and no person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this chapter. Every person violating the provision of this section shall, upon conviction, be punished by imprisonment for not less than one (1) nor more than five (5) years and except for a first conviction under this section shall not be afforded the provisions of suspension or deferment of sentence, nor of probation.

11-47-20. *Sale or possession of silencers.* It shall be unlawful within this state to manufacture, sell, purchase or possess, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged. Violations of this section shall be punished by imprisonment for not less than one (1) year and one (1) day.

11-47-21. *Restrictions on possession or carrying of explosives or noxious substances.* Any person, except a member of the state police, the sheriff or his deputies, or a member of the police force of any city or town, or a member of the army, navy, air force, or marine corps of the United States, or of the national guard or organized reserves when on duty, who possesses, or carries on or about his person or in a vehicle, a bomb or bombshell, except for blasting or other commercial use, or who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any noxious liquid, gas or substance, shall be guilty of a violation of this chapter and punished as hereinafter provided.

11-47-23. *False information in securing pistol or license.* No person shall in purchasing or otherwise securing delivery of a pistol or revolver or in applying for a license to carry the same, give false information or offer false evidence of his identity. Violation of the provisions of this section may be punished by imprisonment for not more than five (5) years.

11-47-24. *Alteration of marks of identification on firearms.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same. Violation of the provisions of this section may be punished by imprisonment for not more than one (1) year and one (1) day.

11-47-25. *Antique firearms and collections.* Sections 11-47-1 to 11-47-56, inclusive, shall not apply to antique firearms unsuitable for use nor to collections of firearms as curios, souvenirs, or for educational, scientific or any similar purpose without intent to use such firearms.

11-47-30. *Sale of firearms to minors.* It shall be unlawful within this state for any person to sell any firearm to any person under fifteen (15) years of age.*

11-47-31. *Sale of ammunition to minors.* It shall be unlawful within this state for any person to sell any ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm to any person under fifteen (15) years of age.*

11-47-32. *Possession of ammunition by minor.* Except as provided in § 11-47-33, it shall be unlawful within this state for any person under fifteen (15) years of age to possess and use ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm.

11-47-33. *Possession of firearms by minors.* It shall be unlawful within this state for for any person under fifteen (15) years of age to possess and use any firearm unless he shall hold a permit therefor as provided in § 11-47-34, and only in the presence of a qualified adult at any regular and recognized camp or rifle range approved by the Rhode Island state police or by the chief of police of the city or town in which such camp or rifle range is located; and provided, further, however, that said person under fifteen (15) years of age may carry such firearm, unloaded, in a suitable case to and from his home and such camp or range and from such camp or range to other such camp or range.

11-47-34. *Firearms permits to minors.* The Rhode Island state police or the chief of police of the city or town in which such person resides shall issue permits to any person under fifteen (15) years of age only upon satisfactory proof of being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range, and further provided that such person has the written consent of a parent or guardian. Valid membership cards of junior gun clubs or of junior divisions of senior gun clubs incorporated in the state of Rhode Island shall be prima facie evidence of such person under fifteen (15) years of age being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range.

11-47-35. *Sale of concealable weapons.* No seller shall deliver a pistol or revolver to a purchaser thereof until seventy-two (72) hours shall have elapsed from twelve o'clock noon of the day following the day of application for the purchase thereof, and when delivered, said pistol or revolver shall be unloaded and securely wrapped, with the bill of sale therefor to be inclosed within said wrapper with said pistol or revolver. Any loyal law abiding citizen of this state twenty-one (21) years of age or older, and any member of the armed forces of the United States who is stationed in this state and who has the written permission of his commanding officer and who is twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm the purchaser shall accomplish and sign in triplicate and deliver to the seller the application form prescribed below, and in no case shall it contain the serial number of the pistol or revolver.

(APPLICATION FORM OMITTED)

The seller shall on the date of application, sign and forward by registered mail or by delivery in person, the original and duplicate copies of said application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his residence or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his residence or place of business shall mark or stamp the original copy of the application form with the date and time of receipt and return it by the most expeditious means to the seller. The triplicate copy duly signed by the seller shall within seven (7) days be sent by him by registered mail to the attorney-general. The seller shall retain the original copy duly receipted by the police authority to whom sent or delivered for a period of six (6) years with other records of the sale. It shall be the duty of the police authority to whom the duplicate copy of the application form is sent or delivered to check the applicant's record to ascertain whether he falls under the provisions of §§ 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If after the lapse of seventy-two (72) hours from twelve o'clock noon of the day following application, no disqualifying record has been received from the investigating police authority by the seller, he will deliver the firearm applied for to the applicant. Upon the finding of no record that would disqualify the applicant under the provisions of the above cited sections of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate and triplicate copies of the application will be destroyed. The provisions of this section shall not apply to bona fide sales at wholesale to duly licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of § 11-47-39.

11-47-37. *Delivery to minors and others forbidden.* No person shall deliver a concealable firearm to any person under the age of twenty-one (21) or to one who he has reasonable cause to believe falls under the provisions of §§ 11-47-5, 11-47-6, 11-47-7, or 11-47-23.

Central Falls

17-23. *Weapons—Possessing, harboring, etc.*—No person shall own, possess, harbor, carry or in any manner use or exercise control of any so-called actually or inherently dangerous weapon or instrumentality, such as a dagger, dirk, brass knucks, switch blade, rifle, gun, musket, blunderbuss, fowling piece, pistol, air gun, spring gun, dart gun or any contrivance arranged to discharge shot, bullets, arrows, darts, shells or other missiles in the limits of the city, except by special permission of the city council upon the recommendation of the chief of police, who shall prescribe such rules and regulations as each case may require. The city council shall ex-

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering firearms and ammunition to persons under eighteen (18) years of age.

ercise their discretion in each case and shall decide accordingly having in mind the best interests of the populace at large, and more particularly so during any war period.

17-25. *Same—Sale to minors.* No person shall sell or dispose of to any minor who has no special license to have the same in his possession any of the articles or contrivances mentioned in the two preceding sections. Any person violating this section shall be held responsible for any damage or injury caused as a result of his act.

East Providence

20-14. No person shall sell or offer to sell any rifle, gun, pistol, air gun, spring gun, sling shot or similar contrivance arranged to discharge missiles to any person under the age of twenty-one years.

SOUTH CAROLINA

State Law

S.C. CODE

15-1388. *Selling, etc., weapons to minors.* If any person shall knowingly sell, offer for sale, give or in any way transfer to a minor any pistol or pistol cartridge, brass knucks, bowie knife, dirk, loaded cane or slingshot he shall be guilty of a misdemeanor. Any person being the parent or guardian of or attending in loco parentis to any child under the age of twelve years who shall knowingly permit such child to have the possession or custody of or use in any manner whatever any gun, pistol or other dangerous firearm, whether such firearm be loaded or unloaded, or any person who shall knowingly furnish such child any firearm shall be guilty of a misdemeanor and, upon conviction, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

16-121. *Definitions.*—When used in this article: (a) The words "machine gun" apply to and include all firearms commonly known as machine rifles, machine guns and submachine guns of any calibre whatsoever capable of automatically discharging more than eight cartridges successively without reloading in which the ammunition is fed to such gun from or by means of a clip, disk, belt or other separable mechanical device.

(b) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches (18") in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than eighteen inches (18") in length.

(c) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell, but does not include an antique firearm as defined in this section.

(d) "Sawed-off rifle" means a rifle having a barrel or barrels of less than sixteen inches (16") in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than sixteen inches (16") in length.

(e) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge, but does not include an antique firearm as described in this section.

(f) "Antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

16-123. *Storing, keeping or possessing.*—It shall be unlawful for any person to store, keep, possess or have in possession or permit another to store, keep, possess or have in possession any machine gun or firearm commonly known as a machine gun, sawed-off shotgun, sawed-off rifle, except as provided in 16-125 and 126.

16-124. *Selling, renting or giving way.* It shall be unlawful for any person to sell, rent or give away or be interested, directly or indirectly, in the sale, renting, giving away or otherwise disposing of any machine gun or firearm commonly known as a machine gun.

16-125. *Exceptions.* The provisions of this article shall not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machine guns, or sawed-off shotguns or sawed-off rifle, from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, State constable, member of the highway patrol, railway policeman, warden, superintendent, head keeper or deputy of any State prison, Penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or person authorized by law to possess or use a machine gun, or sawed-off shotgun or sawed-off rifle, may possess machine guns, or sawed-off shotgun or sawed-off rifle, when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns, or sawed-off shotgun or sawed-off rifle, kept for display as relics and which are rendered harmless and not usable.

16-126. *Application for permission to keep; registration and permit.* Every person permitted by § 16-125 to possess a machine gun, or sawed-off shotgun or sawed-off rifle, and any person elected to or appointed to any office or position which entitles such person to possess a machine gun, or sawed-off shotgun or sawed-off rifle, immediately after such election, shall file in the office of the Secretary of State on a blank to be supplied by the Secretary of State on request therefor an application to be properly sworn to, which shall be approved by the sheriff of the county in which the applicant resides or has his principal place of business and shall include the applicant's name, residence and business address, description including sex, race, age, weight, height, color of eyes and color of hair, whether or not ever charged or convicted of any crime, municipal, state or otherwise, and where, if so charged, and when the same was disposed of. The applicant shall also give a description, including the serial number and make, of the machine gun, or sawed-off shotgun or sawed-off rifle, which he possesses or desires to possess. Thereupon, the Secretary of State shall file such application in his office, registering such applicant together with the information required in the application in a book or index to be kept for that purpose, assign to him a number and issue to him a card which shall bear the signature of the applicant and which he shall keep with him while he has such machine gun or sawed-off shotgun or sawed-off rifle in his possession. Such registration shall be made on the date application is received and filed with the Secretary of State and shall expire on December thirty-first of the year in which the license is issued.

16-129. *Definitions.*—When used in this article: (a) *"Pistol"* means any firearm designed to expel a projectile from a barrel less than twelve inches in length, but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term *"dealer"* means any person regularly engaged in the business of selling firearms at retail.

(c) The term *"crime of violence"* means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term *"fugitive from justice"* means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term *"subversive organization"* means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdiviison thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term *"conviction"* as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail. (1965 (54) 578).

16-129.1. *Carrying pistol unlawful; exceptions.*—It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol, except as follows: * * *

(5) Any person regularly engaged in the business of manufacturing, repairing, repossession or dealing in firearms, or the agent or representative of such person while possessing, using or carrying a pistol in the usual or ordinary course of such business.

16-129.2. *Sale, etc., of pistol to certain persons unlawful; possession or acquisition of pistol by such persons unlawful; stolen pistols.*—It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of

pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

16-129.3. *Retail dealers to be licensed.*—No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

16-129.6 *Mortgage or pledge of pistol.*—Only a licenesd dealer shall make a loan secured by a mortgage, deposit or pledge of a pistol and the dealer shall keep such records as are required herein. A licensed dealer may mortgage any pistol or stock of pistols but shall not deposit the same with any other person. (1965 (54) 578.)

16-129.6:1. *Certain pistols may not be sold.*—No licensed retail dealer shall sell any pistol or other handgun which has die-cast frame or receiver which melts at a temperature of less than eight hundred degrees Fahrenheit.

66-581. *Purchase in contiguous state.*—Any resident of this State including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same in this State; *provided*, that the sale meets the lawful requirements of each such state, meets all lawful requirements of any Federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

66-582. *Purchase in this State by resident of contiguous state.*—Residents of any State contiguous to this State may purchase rifles and shotguns in this State; *provided*, such residents conform to applicable provisions of statutes and regulations of this State, the United States, and of the contiguous state in which such persons reside.

Aiken

14A-1. *Definitions. When used in this article:* (a) *Pistol* means any firearms designed to expel a projectile from a barrel less than twelve inches in length, but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term *dealer* means any person regularly engaged in the business of selling firearms at retail.

(c) The term *crime of violence* means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any of the aforesaid offenses.

(d) The term *fugitive from justice* means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term *subversive organization* means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States, the State of South Carolina, or the City of Aiken, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term *conviction* as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

14A-3. *Sale to certain persons unlawful; possession or acquisition by such persons unlawful; stolen pistols.* It shall be unlawful for any person to knowingly sell, deliver, lease, rent, barter, exchange or transport for sale into this city any pistol to:

(a) Any person who has been convicited of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one (21), but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this city.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

14A-4. *Retail dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

14A-6. *Giving false information in applying for license.* No person in applying for any license under this article shall give false information or offer false evidence of his identity, or give false information concerning the matters referred to in this article.

Anderson

35-7. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Conviction. The term "conviction" shall include pleas of guilty, pleas of nolo contendere and forfeit of bail.

Crime of violence. Murder, manslaughter, except negligent manslaughter arising out of traffic accidents, rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

Dealer. Any person regularly engaged in the business of selling firearms at retail.

Fugitive from justice. Any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

Pistol. Any firearm designed to expel a projectile from a barrel less than twelve inches in length, but such term shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage or threats or attempts of any of the foregoing.

35-9. *Sale, etc., to certain persons prohibited; possession by such persons.* It shall be unlawful for any persons to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into the city any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of armed forces of the United States, active or reserve, national guard, state militia or R.O.T.C. when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in subsections (a), (b), (c), or (d) of this section to possess or acquire pistols within this state.

35-10. *Purchase, sale, possession, etc., of stolen, etc., pistol.* No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

35-11. *Retail dealer's license—required.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by this article.

35-13. *Same—Giving false information to secure, etc.* No person in applying for any license under this article shall give false information or offer false evidence of his identity, or give false information concerning the matters referred to in this article.

Andrews

10-14. *Pistols, manufacturing, carrying and selling.* It shall be unlawful for any person to possess or carry about the person or about any vehicle owned or controlled by him, whether concealed or not, any pistol less than twenty (20) inches long and three

(3) pounds in weight; and, it shall be unlawful for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport any such weapon in the Town; provided however that this does not apply to legally appointed state, county or Town police officers; * * *.

Charleston

49–2. *Possession, sale, etc., of tear gas bombs, etc.* It shall be unlawful for any person to have in his possession, sell or offer for sale in the city, any bomb, tube gun, gun or other device containing or intended to contain or discharge tear gas or other noxious or offensive or harmful gases or fluids.

Florence

19–55. *Weapons—carrying, sale, etc., of pistols of certain size and weight.* It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight. * * *; provided, this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Greenville

38–4. *Pistols less than twenty inches long and three pounds in weight.* It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less length and weight. This section shall not be construed to apply to peace officers in the actual discharge of their duties or to the carrying or keeping of such pistols by persons while on their own premises nor to abridge the right of self-defense.

Greer

29–7. *Sale, etc., of pistols to certain persons unlawful; possession or acquisition of pistols by certain persons unlawful; stolen pistols.* It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this state any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, state Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this state.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Jonesville

1. That from and after the passage of this ordinance it shall be unlawful for any person, firm, corporation or association to sell, barter, exchange, or give away to induce trade; or to offer for sale, exchange, barter or giving away to induce trade and such firearm or weapon as is usually designated and known as a "pistol".

Lake City

11. *Firearms—carrying and sale generally.* It shall be unlawful for any person to carry about the person, whether concealed or not, any firearm less than twenty inches long or less than three pounds in weight. It shall also be unlawful for any person to sell or offer for sale any firearm of less length or weight than herein stated; provided, however that this section shall not apply to peace officers in the actual discharge of their duty, nor to keeping and carrying pistols by persons while on their own premises.

Laurens

10–25. (A) *Manufacture, carriage, sale.* It shall be unlawful in the city for anyone to carry about the person, whether consealed or not any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight; * * *.

Newberry

10–74. *Same—Sale of pistols, rifles, etc.* It shall be unlawful for any person, or any agent of any person in the city, to sell to any person any pistol, rifle or other species or kinds of firearms, except shotguns, unless the person purchasing the same, if a citizen of the city, has a permit in writing from the chief of police to purchase the same, or if not a citizen of the city, has a permit in writing from the sheriff of the county to purchase the same, such permit to specify the kind and amount of firearms allowed to be purchased thereunder and to be filed with the person from whom the same is purchased, who shall within ten days after any sale file the permit with the officer issuing the same.

10–75. *Same—Purchasing or receiving pistol, rifle, etc., without permit.* It shall be unlawful for any person to purchase or receive in the city any firearm enumerated in the preceding section, without first having obtained the permit as provided in the preceding section.

Rock Hill

25–36. *Sale restricted.* No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has enquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mental incompetent, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

Spartanburg

24–72. *Same—Firearms—Pistols under twenty inches long or three pounds in weight.* It shall be unlawful for any person to carry about his person in the city, whether concealed or not, any pistol less than twenty inches long and three pounds in weight. It shall be unlawful for any person to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale into the city, any pistol of less length and weight. * * *.

SOUTH DAKOTA

State Law

SDCL, CHAPTER 22–14A

22–14A–1. *Destructive device defined.*—The term "destructive device" shall be limited to the following: (1) Any projectile containing any explosive or incendiary material or any other chemical substance, including but not limited to, that which is commonly known as tracer or incendiary material or any other chemical substance, including but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns.

(2) Any bomb, grenade, explosive missile, or similar device or any launching device therefor.

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than .60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designated primarily for emergency, distress signaling or hobby purposes.

(5) Any breakable container which contains a flammable liquid with a flashpoint of one hundred and fifty degrees Fahrenheit or less and has a wick or similar device capable of being ignited.

(6) Any other thing that is designed for the purpose of harming any person or property and contains any flammable material, or explosive as defined by § 22–14A–2.

22–14A–3. *Fireworks not destructive device or explosive.*—A "destructive device" or "explosive" shall not include permissible fireworks enumerated and described in SDCL 34–37–5.

22–14A–4. *Possession of destructive device as felony—punishment.*—Any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a felony and may be punished by imprisonment in the county jail for a term not to exceed one year, or in the state penitentiary for a term not to exceed five years, or by a fine not to exceed five thousand dollars or by both such fine and imprisonment.

SDCL 1967, CHAPTER 23–7

23–7–1. *Definition of terms.* "Pistol," as used in this chapter, means any firearm with a barrel less than sixteen inches in length and designed to expel a projectile or projectiles by the action of an explosive.

"Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semiautomatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" as used in this chapter, means any of the following crimes or an at-

tempt to commit or a conspiracy to commit any of the same, namely: murder, manslaughter, rape, mayhem, any assault prohibited by SDCL 22–18–9, 22–18–10, 22–18–11, 22–18–12 or 22–18–14, riot while armed, robbery, burglary, possession of burglary tools, housebreaking, breaking and entering, kidnaping, extortion by force or fear, and any other crime in the commission of which the perpetrator used force, or was armed with a deadly, dangerous or sharp weapon, or used any bomb, explosive or destructive device.

"Person," as used in this chapter, includes firm, partnership, association, or corporation.

23–7–2. *Antique pistols excepted from chapter.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

23–7–3. *Person convicted of crime or violence not to own or possess pistol—felony—punishment.*—No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control. Violation of this section is a felony, and upon conviction thereof, such person shall be sentenced to the penitentiary for a term not to exceed three years, and in addition may be fined not to exceed two thousand dollars.

23–7–3.1. *Delivery of pistol to person convicted of crime of violence—misdemeanor.*—Any person who gives, loans or sells a pistol to a person convicted of a crime of violence in this state or elsewhere, and knows that said person has been so convicted, is guilty of a misdemeanor.

23–7–4. *Delivery of pistol to incapacitated person prohibited.* No person shall deliver a pistol to any person under the age of eighteen or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

23–7–9. *Delivery of pistol to purchaser—waiting period—wrapped and unloaded.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered said pistol shall be securely wrapped and shall be unloaded.

23–7–10. *Application for purchase of pistol—statement delivered to seller, form and contents, distribution of copies.* At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application sign and attach his address and forward by registered or certified mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the secretary of state; the triplicate he shall retain for six years.

23–7–11. *Regulation does not apply to sale of pistols at wholesale.* Sections 23–7–9 and 23–7–10 shall not apply to sales at wholesale.

23–7–12. *False information or false evidence of identity to secure pistol or license prohibited.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

23–7–13. *Transfer of pistol contrary to chapter forbidden.* No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol; nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

23–7–14. *License required of retail dealer.* No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided in § 23–7–15.

23–7–15. *License of retail dealer—Issuance — Duration — Conditions — Fee.* — The duly constituted licensing authorities of any city, town, or political subdivision of this state, may grant licenses in forms prescribed by the secretary of state effective for not more than one year from date of issue, permitting the licensee to sell pistols at retail within this state subject to the conditions set forth in §§ 23–7–16 to 23–7–20, inclusive, in addition to those specified in §§ 23–7–9 and 23–7–10, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in §§ 23–7–24. The fee for issuing said license shall be two dollars, which fee shall be collected by the official issuing such license, and shall be remitted by him to the state treasurer.

23–7–16. *Retail dealer—place of business.* A business licensed pursuant to § 23–7–15 shall be carried on only in the building designated in the license.

23–7–18. *Sale of pistol by retail dealer—restrictions.* No pistol shall be sold in violation of any provisions of this chapter, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

23–7–21. *Identification marks on pistols—alteration prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

23–7–26. *Guns for military and scientific purposes and small caliber machine guns excepted from chapter.* Nothing contained in this chapter shall prohibit or interfere with: (1) The manufacture for and sale of machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber for a purpose manifestly not aggressive or offensive.

23–7–27. *Register of machine guns kept by manufacturer—required contents.* Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery, or receipt of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given, or delivered or from whom received.

23–7–30. *Registration by owners of guns—Office of secretary of state—Time.* Every machine gun in this state adapted to use cartridges of any caliber shall be registered in the office of the secretary of state within twenty-four hours after its acquisition, and annually thereafter on July first.

23–7–31. *Registration blanks—data required—not subject to public inspection.* Blanks for registration shall be prepared by the secretary of state and furnished upon application. To comply with § 23–7–30 the application as filed must show the model and serial number of the gun, the name, address, and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public.

23–7–32. *Failure to register gun—Possession for offensive or aggressive purpose presumed.* Any person failing to register any gun as required by § 23–7–30 shall be presumed to possess the same for offensive or aggressive purpose.

23–7–33. *Conditions raising presumption of possession of gun for offensive or aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possesssion the machine gun may be found; or

(2) When in the possession of or used by an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(3) When the machine gun is of the kind described in § 23–7–30 and has not been registered as in said section required; or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

23–7–34. *Possession or use of gun for offensive or aggressive purpose—Punishment.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not more than fifteen years.

23–7–40. *Purchase of rifles and shotguns by residents of South Dakota * * *—Implementation of federal provisions.* The state of South Dakota herewith permits * * * residents of this state, not otherwise precluded by any applicable laws, to purchase, sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components * * * in states contiguous to South Dakota. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922(b), (3)(A) of Public Law 90–618 of the 90th United States Congress, second session.

SDCL, CHAPTER 26–10

26–10–9. *Restrictions on use of firearms by children under fifteen—misdemeanor—penalty.* It shall be unlawful for any person under the age of fifteen years to have or use any kind of firearm without the knowledge and consent of his parent or guardian. It shall be unlawful for any parent or guardian having legal charge or control of a person under fifteen years of age to permit such minor to have or use while loaded, any firearm, in or within one mile of the platted

portion of any city or town. Any parent, guardian, or minor violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding fifty dollars.

Aberdeen

9.1601. *License.* Any person, persons, firm or corporation desiring to engage in the business of selling pistols at retail shall, before engaging in such business, file with the City Auditor a written statement and application setting forth his or its intentions to engage in such business * * *.

Huron

5.44.010. *License to sell.* Any person, persons, firm, or corporation, desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the city auditor, a written statement and application setting forth his or its intention to engage in such business * * *.

Pierre

G. *Sales to Minors.* It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, air rifle, air gun or B-B gun, or ammunition for any firearm to any person under the age of 18 years * * *.

Sioux Falls

8.1802. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer within the limits of the City of Sioux Falls, any pistol without being licensed as hereinafter provided.

Watertown

12.0801. *License to sell—Any person, persons, firm, or corporation,* desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the City Auditor, a written statement and application setting forth his or its intention to engage in such business and shall give a description by lot and block of the premises on which said business is to be carried on. Said statement and application shall be accompanied by a fee of five dollars: two dollars of said fee is to be remitted by the City to the State Treasurer when the license is granted, and the three dollars to cover the expense of the City in making an investigation and having license issued, such license to be for the period of one year or fraction thereof and shall expire on the 31st day of December in the year issued.

TENNESSE

State Law

T.C.A. TITLE 39

39–4901. *Carrying dangerous weapons—Penalty.* Any person who shall carry in any manner whatever, with the intent to go armed, any razor, dirk, bowie knife or other knife of like form, shape or size, sword cane, ice pick, sling shot, blackjack, brass-knucks, spanish stilletto, or a fountain pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except the army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon, shall be guilty of a misdemeanor.

39–4904. *Selling or disposing of dangerous* weapons. It is a misdemeanor to sell, or offer to sell, or to bring into this state for the purpose of selling, giving away, or otherwise disposing of any knife or other prohibited weapon mentioned in § 39–4901; and the person guilty thereof, for each knife or other prohibited weapon shall, upon conviction, be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), and be imprisoned in the county jail not less than one (1) month nor more than six (6) months, such jail sentence to be in the discretion of the trial judge. Provided, however, any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection or their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearm, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the sheriff of the county wherein such sale is to be made, and with the chief of police if the sale be within a municipality, a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, the sheriff and/or chief of police make no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen (15) days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such notice. The said certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant. Provided, however, the sheriff and/or police chief may issue a written approval of such certificate, after investigation, within the fifteen (15) day period.

The fifteen (15) day waiting period shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of the first paragraph above and certify prior to the transaction the legal and licensed status of both parties. The burden shall fall upon the transferor to determine the legality of the transaction in progress. The fifteen (15) day waiting period shall not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or said agency's personnel as defined under § 39–4902. However, all other provisions and requirements of the preceding paragraph above must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or second-hand gun legally purchased by him without being licensed to do business as such; but whenever such sale is made, the same procedure must be followed as is provided above for persons licensed by the state of Tennessee to engage in such business. * * *

39–4905. *Selling or giving weapons to minor—Penalty.* Any person who sells, loans, or gives to any minor a pistol, bowie knife, dirk, hunter's knife, or like dangerous weapon except a gun for hunting, is guilty of a misdemeanor, and shall be fined not less than one hundred dollars ($100) and be imprisoned in the county jail, in the discretion of the court.

39–4915. *Purchase of rifles and shotguns in contiguous states by residents of Tennessee.* Any resident of the state of Tennessee who may legally purchase a rifle or shotgun in this state may purchase a rifle or shotgun in a contiguous state provided the sale meets the legal requirements in each state, meets all legal standards of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

39–4917. *Prohibited firearms—Definitions.* —For the purposes of §§ 39–4917—39–4920 the following terms shall have the meaning ascribed in this section:

(a) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches (18") in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than eighteen inches (18") in length.

(b) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell, but does not include an antique firearm as defined in this section.

(c) "Sawed-off rifle" means a rifle having a barrel or barrels of less than sixteen inches (16") in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than sixteen inches (16") in length.

(d) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge, but does not include an antique firearm as described in this section.

(e) "Machine gun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger; the frame or receiver of any such weapon; any combination of parts designed and intended for use in converting a weapon into a machine gun; and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(f) "Antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of

commercial trade.

(g) "Unserviceable firearm" means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(h) "Manufactures any weapon" means making, putting together, altering, modifying, any combination of these, or otherwise producing a sawed-off shotgun, sawed-off rifle, or machine gun.

(i) "Sells or disposes of" means sells, offers for sale, assigns, pledges, leases, loans, gives away, transfers or otherwise disposes of.

(j) "Person" includes a corporation, firm, company, partnership or association.

39-4918. *Manufacture, possession or sale of sawed-off shotgun, sawed-off rifle, or machine gun—Penalty.*—Any person who manufactures, imports, purchases, possesses, sells or disposes of, in this state, any weapon of the kind commonly known as a sawed-off shotgun, sawed-off rifle, or machine gun shall upon conviction thereof, for each offense, be imprisoned in the penitentiary for a term of not less than one (1) nor more than five (5) years; or in the county jail or workhouse for a term not to exceed one (1) year, or by fine not exceeding one thousand dollars ($1,000), or by both such fine and jail or workhouse sentence in the discretion of the court.

COMPILER'S NOTE.—Tennessee State Law indicates a minor is a person who is under eighteen years of age. Licensees under the Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

Chattanooga

25-10. *Dangerous weapons—Sale.* It shall be unlawful for any person to sell or offer for sale in the city any pistol, pistol cartridges, dirk, large knife or brass knucks; provided, that this section shall not apply to the sale of regular army and navy pistols.

Greeneville

5-101. *Sale of firearms.* Only persons, firms, or corporations licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the Town of Greeneville. Firearms may be sold to persons desiring same for the protection of their home or business or for target practice but for no other purpose.

The sale of pistols and/or sidearms within the corporate limits of the Town of Greeneville to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts; or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

Any person desiring to purchase a pistol or sidearm within the corporate limits of the Town of Greeneville shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the Town of Greeneville, a copy of the certificate as notice to such law enforcement officer of the pending sale.

The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Knoxville

11A-4. *Closing of certain businesses; discontinuance of certain sales.* After proclamation of a civil emergency the chief administrative officer may at his discretion, in the interest of public safety and welfare:

(e) Order the discontinuance of selling, distribution, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle, airplane or motor powered boat.

(f) Order the closing of gasoline stations, and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products.

(g) Order the discontinuance of selling, distributing, dispensing or giving away any fire-arms or ammunition of any character whatsoever.

(h) Order the closing of all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of fire-arms and/or ammunition.

28-103. *Firearms—Sale.* (b) Any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

(c) Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor.

(d) The three (3) day notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer personally acknowledges receipt of such notice.

(e) The seller shall deliver to the chief of police a legible true copy of the bill of sale showing the name of the firearm, the caliber, serial number, finish of the firearm, such as nickel.

Lawrenceburg

I—*Definitions* (3) "Explosive weapon" means any explosive, incendiary, or poison gas:

(A) bomb;
(B) grenade;
(C) rocket;
(D) mine;
(E) shell, missile, or projectile that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage.

(4) "Firearm" means any weapon designed, made, or adapted to expel a projectile by the action of an explosive, or any device readily convertible to that use.

(5) "Firearm silencer" means any device designed, made, or adapted to muffle the report of a firearm.

(6) "Handgun" means any firearm with a barrel length of less than twelve (12) inches that is designed, made, or adapted to be fired with one hand.

(9) "Machine gun" means any firearm that is capable of shooting more than two (2) shots automatically, without manual reloading, by a single function of the trigger.

(10) "Rifle" means any firearm designed, made, or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

(11) "Short barrel" means a barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, or an overall firearm length of less than twenty-six (26) inches.

(12) "Shotgun" means any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire through a smooth-bore barrel either a number of ball shot or a single projectile by a single function of the trigger. * * *

III—*Prohibited weapons.* (a) An individual, corporation, or association commits an offense if he intentially or knowingly possesses, manufactures, transports, repairs, or sells:

(1) an explosive or an explosive weapon;
(2) a device principally designed, made, or adapted for delivering or shooting an explosive weapon;
(3) a machine gun;
(4) a short-barrel rifle or shotgun;
(5) a firearm silencer; * * *

(c) It is an affirmative defense to prosecution under this section, which the actor must prove by a preponderance of the evidence:

(1) that his conduct was incident to dealing with the weapon solely as a curio, ornament, or keepsake, and if the weapon is a type described in subsections (a)(1)-(a)(5), that it was in a nonfunctioning condition and could not readily be made operable; or

(2) that his possession was brief and occurred as a consequence of having found the weapon or taken it from an aggressor.

(d) An offense under subsections (a)(1)-(a)(5) is a felony; and offense under subsection (a)(6) is a misdemeanor.

IV—*Unlawful sale of firearm* (a) An individual, corporation, or association commits an offense if:

(1) he intentionally, knowingly, or recklessly sells, loans, or makes a gift of a firearm to a minor; or

(2) he intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to a person who is intoxicated;

(3) he intentionally, knowlingly, recklessly, or with criminal negligence violates the provisions of SECTION V of this Ordinance.

(b) It is a defense to subsection (a)(1) that:

(1) a rifle or shotgun was sold, loaned, or given to a minor for the purposes of hunting; and

(2) the actor is not required to obtain a license under Section V or this Ordinance.

(c) For purposes of this section, "intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(d) An offense under this section is a misdemeanor.

V—*Lawful Sale of Firearms* (a) Only persons, firms or corporations licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the City of Lawrenceburg. Firearms may be sold to person desiring same for the protection of their homes or business or for target practice but for no other purpose.

(b) The sale of pistols and/or sidearms within the corporate limits of the City of Lawrenceburg to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

(c) Any person desiring to purchase a pistol or sidearm within the corporate limits of the City of Lawrenceburg shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the City of Lawrenceberg, a copy of the certificate as notice to such law enforcement officer of the pending sale.

(d) The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipts of such notice.

(e) Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Lebanon

10–212.1. *Selling or disposing of dangerous weapons.* It shall be unlawful to sell, or offer to sell, or to bring into the City of Lebanon for the purpose of selling, giving away, or otherwise disposing of any knife, or other prohibited weapon mentioned in section 10–212. Provided, however, any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen (15) days notice of pending sale provided for above must be made by registered mail and return receipt requested unless the chief of police, personally acknowledges receipt of such notice. The said certificate to be filed with the chief of police shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearms, as set out above, from making an occasional sale of a used or second-hand gun legally purchased by him without being licensed to do business as such; but whenever such sale is made, the same procedure must be followed as is provided above for persons licensed by the State of Tennessee to engage in such business.

Provided, however, before any person, firm, or corporation shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other hand gun in the City of Lebanon, such person, firm, or corporation shall first obtain a permit.

McMinnville

12–54. *Selling, giving weapons to minor.* Any person who sells, loans, or gives to any minor a pistol, bowie knife, dirk, hunter's knife, or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor.

Nashville

41–2–1. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder; manslaughter; rape; mayhem; kidnapping; burglary; housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment.

Firearm. Any weapon by whatever name known, which is designed to expel a projectile by the action of expanding gases.

Fugitive from justice. Any person who has fled or is fleeing from any law-enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

Manufacturer or dealer. Any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans.

Pistol. Any firearm with a barrel less than twelve inches in length.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or of the state or of the metropolitan government by the use of force, violence, military measures or threats of one or more of the foregoing.

41–2–2. *Persons to whom firearms not to be sold, loaned or otherwise transferred.* It shall be unlawful for any person to sell, lease, lend or otherwise transfer a firearm within the urban services district to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or who is a fugitive from justice or who is of unsound mind or who is a drug addict or an habitual drunkard or who is a member of a subversive organization.

41–2–3. *Persons forbidden to possess firearms.* It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, or is of unsound mind or is a drug addict or an habitual drunkard, to possess a firearm within the urban services district.

It shall be unlawful for any person who is a member of a subversive organization to possess a firearm within the urban services district.

41–2–4. *Stolen firearms.* It shall be unlawful within the urban services district for any person to receive, conceal, store, barter, sell, lease, lend or otherwise transfer, or to pledge or accept as security for a loan, any firearm, knowing or having reasonable cause to believe the same to have been stolen.

41–2–5. *Obliteration, removal or alteration of manufacturer's identification mark or number.* It shall be unlawful for any person to obliterate, remove, change or alter the manufacturer's identification mark or number on any pistol. Whenever, in a trial for a violation of this section, the defendant is shown to have or have had possession of any such pistol, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number, unless the defendant can produce a bill of sale indicating that the pistol was legally purchased and that the manufacturer's identification mark or serial number was obliterated or defaced at the time of purchase.

41–2–9. *Sale, lease or transfer to persons under twenty-one.* No person shall sell, lease or transfer a pistol, except when the relation of parent and child or guardian and ward exists, to any person under the age of twenty-one years.

41–2–10. *False information * * * in purchasing firearm.* * * * No person shall give false information concerning his name and address or offer false evidence of his identity when purchasing a firearm.

TEXAS

State Law

TEX. PENAL ANN. (VERNON'S)

46.01. *Chapter definitions.* In this chapter: * * * (2) "Explosive weapon" means any explosive, incendiary, or poison gas bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting

serious bodily injury, death, or substantial property damage, and includes a device principally designed, made, or adapted for delivery or shooting an explosive weapon.

(3) "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include antique or curio firearms that were manufactured prior to 1899 and that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter.

(4) "Firearm silencer" means any device designed, made or adapted to muffle the report of a firearm.

(5) "Handgun" means any firearm that is designed, made, or adapted to be fired with one hand. * * *

(9) "Machine gun" means any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

(10) "Short-barrel firearm" means a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches.

46.05. *Unlawful possession of firearms by felon.* (a) A person who has been convicted of a felony involving an act of violence or threatened violence to a person or property commits an offense if he possesses a firearm away from the premises where he lives.

(b) An offense under this section is a felony of the third degree.

46.06. *Prohibited weapons* (a) A person commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1) an explosive weapon;

(2) a machine gun;

(3) a short-barrel firearm;

(4) a firearm silencer;

(5) a switchblade knife; or

(6) knuckles.

(b) It is a defense to prosecution under this section that the actor's conduct was incidental to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a penal institution.

(c) It is a defense to prosecution under this section that the actor's possession was pursuant to registration pursuant to the National Firearms Act, as amended.

(d) It is an affirmative defense to prosecution under this section that the actor's conduct was incidental to dealing with a switchblade knife, springblade knife, or short-barrel firearm solely as an antique or curio.

(e) An offense under this section is a felony of the second degree unless it is committed under Subsection (a) (5) or (a) (6) of this section, in which event it is a felony of the third degree.

46.07. *Unlawful transfer of firearm* (a) A person commits an offense if he:

(1) sells, rents, leases, loans, or gives a handgun to any person knowing that the person to whom the handgun is to be delivered intends to use it unlawfully or in the commission of an unlawful act;

(2) intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give to any child younger than 18 years any firearm; or*

(3) intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to any person who is intoxicated.

(b) For purposes of this section, "intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(c) It is an affirmative defense to prosecution under Subsection (a) (2) of this section that the transfer was to a minor whose parent or the person having legal custody of the minor had given written permission for the sale or, if the transfer was other than a sale, the parent or person having legal custody had given effective consent.

(d) An offense under this section is a Class A misdemeanor.

46.08. *Interstate purchase* A resident of this state may, if not otherwise precluded by law, purchase firearms, ammunition, reloading components, or firearm accessories in contiguous states. This authorization is enacted in conformance with Section 922(b)(3)(A), Public Law 90-618, 90th Congress.

GOVERNOR'S EMERGENCY POWERS

Art. 5890e. 1. It is hereby declared to be the legislative intent to recognize the Governor's broad power of action in the exercise of the police power of the state to provide adequate control over persons and conditions during such periods of impending or actual public crisis or disaster. It is also recognized that local governmental units may need to take emergency action during such time of impending and actual crisis and it is the legislative intent to provide the means whereby such local units of government may take steps to protect the public's lives and property, and maintain the operation of the government. The provisions of this Act shall be broadly construed to effectuate this purpose.

3. During time of riot or unlawful assembly by three or more persons acting together by use of force or violence or if a clear and present danger exists of the use of force or violence, or during time of natural disaster or man-made calamity, the Governor may proclaim a state of emergency and designate the area involved upon the application of the chief executive officer of a county, city, or local municipality; or upon the application of the governing body of a county, city, or local municipality. Following such proclamation, the Governor may promulgate such reasonable orders, rules, and regulations as he deems necessary to protect life and property, or to bring the emergency situation within the affected area under control. Such orders, rules, and regulations may provide for the . . . control of the sale, carrying, and use of firearms or other dangerous weapons and ammunition; and the control of the storage, use, and transportation of explosives or inflammable materials or liquids deemed to be dangerous to public safety. . . . Such orders, rules, and regulations may be amended, modified, or rescinded, in like manner, from time to time by the Governor throughout the duration of the emergency, but in any event shall cease to be in effect 72 hours from the time of the proclamation, unless proclaimed for a shorter period or terminated at an earlier time by proclamation of the Governor. Such state of emergency, and all powers incident thereto, may be extended by proclamation of the Governor for as many successive like periods of not in excess of 72 hours each as may be reasonably necessary to protect the health, life, and property of the affected area and its inhabitants.

Art. 6889-6 *State and national defense.* 5. (a) The governor is responsible for meeting the dangers to the state and people presented by disasters.

(b) Under this Act, the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law. * * *

(g) In addition to any other powers conferred upon the governor by law, he may: * * *

(8) suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles; * * *

Ballinger

Selling pistol to minor. 48. If any person, within the Corporate limits of the City of Ballinger, Texas, shall knowingly sell, rent, or lease any pistol to a minor or to any other person under the heat of passion, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten, nor more than two hundred dollars.

Deer Park

4. *After proclamation of a civil emergency,* the Mayor of the City of Deer Park, Texas may also, in the interest of public safety and welfare, make any or all of the following orders: (g) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunitions of any character whatsoever. (h) Order the closing of an or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition.

1. *No person shall* make, carry, possess or use any type of "Molotov Cocktail", gasoline or petroleum base fire bomb, or other incendiary missile, within the City of Deer Park, Texas. 2. The words "Molotov Cocktail", as used herein, shall mean a gasoline or kerosene filled bottle or container, with a fuse or wick inserted in the neck.

Denton

14-51. *Definitions; purposes of provisions.* The following definitions shall apply to this article and shall be liberally construed to effectuate its general purpose which is declared to be the prevention of any sale or transfer of any potentially dangerous product to any person not under the mayor's direct supervision, to reduce the availability of such dangerous products to a minimum, and to keep all unauthorized persons off public property, and from gathering into groups having riot or looting potential:

(e) *Crisis:* Any disaster, natural or man-made, rioting, catastrophe or similar public emergency, actual or impending, as determined by the mayor. A state of crisis shall be considered the same as a state of emergency for the purposes of Revised Civil Statutes Article 5890e (Acts 1969, 61st Leg. Pg. 2658, Ch. 877, emergency effective June 21, 1969).

(d) *Dangerous product:* Any material or product which could reasonably be expected to be used as a tool of arson, explosive or weapon, including but not limited to: Gasoline and other liquid flammable and combustible products; dynamite and other explosives; firearms and ammunition; and knives and other dangerous weapons.

14-52. *Authority to declare state of crisis* The mayor is hereby authorized to declare by proclamation a state of crisis, and to take any action deemed necessary to provide adequate control over persons and conditions during such periods of impending or actual public crisis or disaster, and it is the intent of this council to provide the means whereby the mayor may take steps to protect lives

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

and property, and maintain the operation of the government, until the city council, or the Governor of the State of Texas, shall further act.

14–53. *Powers of mayor upon declaring crisis.* Upon declaring such crisis, the mayor shall have the following powers: (b) To limit or prohibit the sale or dispensing of any dangerous product or alcoholic beverage, with or without the imposition of a curfew.

(c) To place any limitation upon, or prohibition against, the operation of any establishment selling, distributing, dispensing or giving away any dangerous product or alcoholic beverage.

Falfurrias

2. No person, firm, company, corporation or association shall exhibit or have in his possession, with intent to give away or sell or offer for sale or sell, within the City Limits of the City of Falfurrias, Texas, any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other combustible fireworks of any kind in the City of Falfurrias, Texas, provided, however, that this section shall not apply to the sale of any such article or articles at wholesale to merchants conducting business entirely without the City of Falfurrias, Texas, or to the sale by wholesalers for private or public demonstration as hereinafter provided.

Fort Worth

15–423. *Small arms ammunition.* A. *"Small arms ammunition" defined.* Small arms ammunition, whenever used in this article, shall mean any shotgun, rifle, pistol or revolver cartridge.

B. *Manufacture.* No person shall manufacture any small arms ammunition within the city. This provision shall not be construed as prohibiting the hand-loading of small arms ammunition for private use and not for resale.

C. *Sale, etc.* No person shall store for sale, sell or present for sale any small arms ammunition without a permit.

22–1. *Definitions. Secondhand dealer.* The term "secondhand dealer" is used in its ordinary and usual trade acceptance meaning, and shall also mean and include any person engaged in any of the following:

Collecting, handling, buying, trading, selling or engaging in the sale or traffic of any of the following:

Used or secondhand wearing apparel consisting of hats, shoes, overcoats, raincoats and any and all kinds of clothing; used or secondhand watches, jewelry, diamonds, luggage, musical instruments, shotguns, rifles, revolvers and all other kinds of firearms; and any and all kinds of used goods, wares and merchandise which are handled by pawnbrokers and secondhand dealers in the usual course of trade.

Junk dealers, junk dealer and dealers in junk. The term "junk dealers", "junk dealer", "dealers in junk" and "secondhand dealers", are hereby used synonymously, and unless otherwise expressly stated, shall include both class "A", secondhand dealers and class "B" junk dealers, as the same are classified in Section 22–8.

22–3. *License requirements generally.* No junk dealer or secondhand dealer shall transact or engage in business within the city unless and until he shall have obtained an annual license therefor, which license may be procured by complying with the following provisions:

(g) *Requirements as to bond in case of class "A" dealers.* If the application for a license shall be for junk dealer of class "A" or a secondhand dealer, such license shall not issue unless and until the applicant shall execute a bond in accordance with the terms of section 22–4.

Harlingen

III. *It shall hereafter be unlawful for any adult person* to deliver to or place in the hands of, any minor under the age of seventeen (17) years any fire-arm, air-rifle, sling-shot, or other device for the propelling of destructive missiles, or to place any such fire-arm, air-rifle, sling-shot, or other device for the propelling of destructive missiles in a place readily accessible to any minor under the age of seventeen (17) years.

IV. *Fire-arms as used herein shall be defined* to include any pistol, rifle, shot-gun, designed to propel any bullet, pellet, slug or metal object or other solid substance by means of force of an explosion of gun powder, explosive liquid of any kind, or explosive gas of any kind.*

San Antonio

26.27. *Explosives, etc.; furnishing to minors.* It shall be unlawful for any person within the city to sell to, give to, or place in the possession of, any person under the age of sixteen years any leaded cartridge, or any explosive of any kind, or to sell to, give to or place in the possession of any person under the age of sixteen years, any gun or toy gun, capable of exploding or discharging any explosive cap or cartridge, or any toy cannon, capable of exploding or discharging any explosive cap or cartridge, or any other firearm of any description, capable of exploding or discharging any explosive cap or cartridge of any description.

15–135. *Manufacture prohibited.* (a) No person shall manufacture, within the limits of the city, small arms ammunition. This shall not be construed as prohibiting, the hand loading of small arms ammunition for private use and not for resale. For this purpose not more than 15 pounds of smokeless powder and 1,000 small arms primers packed in approved I.C.C. containers shall be permitted to be kept on hand, without a permit.

15–136. *Permit required.* No person shall store, sell or offer for sale any small arms ammunition without permit.*

UTAH

State Law

UTAH CODE ANN. TITLE 76

76–10–306. *"Infernal machine" defined.*—An infernal machine is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical, or compound, or knife, loaded pistol, or gun, or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled, or opened, or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or property.

76–10–307. *Infernal machine—Delivery to common carrier, mailing, or placement on premises.*—Every person who delivers or causes to be delivered to any express or railway company or other common carrier, or to any person, any infernal machine, knowing it to be such, without informing the common carrier or person of the nature thereof, or sends it through the mail, or throws or places it on or about the premises or property of another, or in any place where another may be injured thereby in his person or property, is guilty of a felony of the second degree.

76–10–308. *Infernal machine—Construction or possession.*—Every person who knowingly constructs or contrives any infernal machine, or with intent to injure another in his person or property, has any infernal machine in his possession is guilty of a felony of the third degree.

76–10–309. *Infernal machine—Venue of prosecution for shipping.*—Any person knowingly delivering any infernal machine to any railway, express, or stage company, or to any person or company whatever, for transmission to any person in another county may be prosecuted in the county in which he delivers it or in the county to which it is transmitted.

76–10–501. *Definitions.*—For the purpose of this part:

(1) "Dangerous weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In construing whether an item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the instrument, object, or thing; the character of the wound produced, if any; and the manner in which the instrument, object, or thing was used shall be determinative.

(2) "Firearms" means pistols, revolvers, sawed-off shotguns, or sawed-off rifles, and/or any device that could be used as a weapon from which is expelled a projectile by any force.

(3) "Sawed-off shotgun" means a shotgun having a barerl or barrels of less than eighteen inches in length, or in the case of a rifle, having a barrel or barrels of less than sixteen inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification or otherwise) if the weapon as modified has an overall length of less than 26 inches.

(4) "Prohibited area" means any place where it is unlawful to discharge a weapon.

(5) "Crime of violence" means murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable by imprisonment for more than one year, or an attempt to commit any of the foregoing offenses.

(6) "Bureau" means the Utah state bureau of criminal identification.

76–10–503. *Possession of dangerous weapon by convicted person, drug addict, or mentally incompetent person prohibited.*—Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the state of Utah or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon as defined in this part. Any person who violates this section is guilty of a class A misdemeanor, and if the dangerous weapon is a firearm or sawed-off shotgun he shall be guilty of a felony of the third degree.

76–10–519. *Hand gun dealers' records.*—All dealers who sell hand guns in the state of Utah shall cause a record form, provided by the bureau, to be filled out in triplicate. The dealer shall retain one copy and forward the original and one copy to the local police chief

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

or sheriff within ten days from the date of sale. The police chief or sheriff shall, within ten days of the receipt of the original and the copy, forward the original to the bureau. A violation of this section is an infraction.

76–10–520. *Number or mark assigned to pistol or revolver by bureau.*—The bureau upon request may assign a distinguishing number or mark of identification to any pistol or revolver whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the bureau has been destroyed or obliterated.

76–10–521. *Unlawful marking of pistol or revolver.*—Any person who places or stamps on any pistol or revolver any number except one assigned to it by the bureau is guilty of a class A misdemeanor. This section does not prohibit restoration by the owner of the name of the maker, model, or of the original manufacturer's number or other mark of identification when the restoration is authorized by the bureau, nor prevent any manufacturer from placing in the ordinary course of business the name of the maker model, manufacturer's number, or other mark of identification upon a new pistol or revolver.

76–10–522. *Alteration of a number or mark on pistol or revolver.*—Any person who changes, alters, removes, or obliterates the name of the maker, the model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the bureau, on any pistol or revolver, without first having secured written permission from the bureau to make the change, alteration, or removal, shall be guilty of a class A misdemeanor.

76–10–524. *Purchase of firearms in contiguous states pursuant to federal law.*—This part will allow purchases of firearms and ammunition by residents in contiguous states pursuant to the Federal Fire Arms Gun Control Act of 1968, section 922, paragraph B, No. 3.

Logan City

12–7–10. *Revolvers, sale to minors, display prohibited.* It shall be unlawful for any person, firm or corporation to exchange with, buy from, or sell to any minor under the age of eighteen (18) years any gun, pistol or revolver; or to show or display any pistol or revolver in any window or showcase in this city.

12–12–9. *Sales to intoxicated persons and minors.* No person in Logan City shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant or to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years of age.*

Murray

17–6. *Sales of firearms and other weapons prohibited.* It shall be unlawful for any person to sell, give or furnish to any minor any firearm, air gun or other instrument designed to throw missiles.

20–23. *Firearms and explosives—Permit for purchase.* It shall be unlawful for any person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purpose of commerce, directly or indirectly, to buy, sell, borrow, loan, give away, trade, barter, deliver or receive, within the city, any pistol, revolver, gun or similar weapon, or any ammunition, shell, powder, dynamite or other explosive, unless the buyer, borrower or person receiving such weapon, ammunition or explosive shall first obtain and deliver to and the same be demanded and received by the person selling, loaning or delivering such weapon, ammunition or explosive, within thirty days after the issuance thereof, a permit of the chief of police authorizing such person to acquire such weapon, ammunition or explosive.

Such permit may be issued by the chief of police if he is satisfied that the person applying for the same is of good moral character and of lawful age, and that the purpose for which the same is sought is lawful, and the granting of the same will not endanger public safety. * * * No such permit shall be issued to any minor.*

20–24. *Same—Register to be kept; * * *.* It shall be unlawful for any person to sell, loan, or give away any pistol, dynamite or other explosive without first making a full and complete record in a book kept by him for that purpose, * * *.

Provo

12.12.040. *Minors—Sale to—Prohibited.* It shall be unlawful for any person, firm or corporation to give or to sell or to furnish to any minor under the age of fourteen years, any pistol, gun, target gun or other firearm or air gun.*

12.12.050. *Sale of firearms to be recorded—Purchaser to register weapon.* It shall be unlawful for any person to sell, loan or give away any pistol, revolver, gun or similar weapon, without first making a full and complete record in a book kept by him for that purpose, * * *.

Salt Lake City

32–6–5. *Unlawful to sell firearms to children under fourteen.* It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm, airgun, rubber flipper, bow and arrow, or any other such type instrument designed to propel or throw missiles.*

32–6–6. *Prohibited sale of pistols and revolvers.* It shall be unlawful, except as hereinafter provided, for any person, firm or corporation, directly or indirectly, to buy, sell, borrow, loan, give away, trade, barter, deliver or receive within the city limits of Salt Lake City, any pistol or revolver using explosive ammunition, unless the buyer, borrower, or person receiving such weapon, shall first complete a record form to be kept by the seller, lender or other person furnishing such pistol or revolver. Said form shall contain such statements of identity, address, and purpose of use as may be prescribed by the chief of police upon forms to be furnished to all such sellers or lenders by the chief of police. Said completed forms shall be made available to the police department for inspection and filing in the manner and at the times to be designated by the chief of police.

Provided, however, that no form need be completed for sales or shipments from or to a manufacturer or wholesaler of such pistols or revolvers to or from a wholesaler or retail dealer for the purpose of commerce.

Salt Lake County

16–4–1. *Unlawful use of weapons.* (1) A person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than eighteen inches in length, * * * or

(f) Possesses any device or attachment of a kind designed, used or intended for use in silencing the report of any firearm.

16–4–3. *Record of sale.* It shall be unlawful for any person to sell, loan or give away any pistol, revolver, gun or similar weapon, powder, dynamite or other explosive without first making a full and complete record in a book kept by him for that purpose. * * *.

16–4–4. *Seller to require permit.* It shall be unlawful for any person to sell, trade or otherwise furnish to another any pistol, revolver or concealable gun or weapon unless the person to whom said pistol, revolver, gun or weapon is sold, traded or otherwise furnished exhibits and delivers to the person selling, trading or furnishing such pistol, revolver, gun or weapon a permit issued by the sheriff authorizing and permitting the person to purchase or receive such pistol, revolver, gun or other concealable weapon.

16–4–5. *Obtaining weapons without permit illegal.* It shall be unlawful for any person to purchase or otherwise obtain a pistol, revolver, gun or other concealable weapon without first obtaining a permit from the sheriff.

16–4–6. *Possession by minors.* It shall be unlawful for any minor to possess or have in his or her possession in any place, whether public or private, within the limits of the county, any gun, revolver, or firearm, or any kind of airgun, rubber flipper, bow and arrow or other weapon or instrument of similar nature designed to throw missiles, unless permission for the possession and use of such instrument be given in writing to such minor by his or her parent, or guardian, or person having the charge or control of such minor.

16–4–8. *Furnishing to minors.* It shall be unlawful for any person, firm or corporation except a parent or guardian, to give, or to sell or to furnish to any minor, any instrumentality named in the above-mentioned provisions.*

VERMONT

State Law

VT. STATS. ANN. TITLE 13

4007. *Furnishing firearms to children.* A person, firm or corporation, other than a parent or guardian, who sells or furnishes to a minor under the age of sixteen years a firearm or other dangerous weapon or ammunition for firearms shall be fined not more than $50.00 nor less than $10.00. This section shall not apply to an instructor or teacher who furnishes firearms to pupils for instruction and drill.*

4008. *Possession of firearms by children.* A child under the age of sixteen years shall not, without the consent of his parent or guardian, have in his possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. A child who violates a provision of this section shall be deemed a delinquent child under the provisions of chapter 11 of Title 33.

4010. *Gun silencers.* A person who manufactures, sells or uses or possesses with intent to sell or use, an appliance known as or used for a gun silencer shall be fined $25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers for military purposes when so used or possessed under proper military authority and restriction.

4013. *Zip guns; switchblade knives.* A person who possesses, sells or offers for sale a weapon commonly known as a "zip" gun, or a weapon commonly known as a switchblade knife, the blade of which is three inches or more in length, shall be imprisoned not more than ninety days or fined not more than

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

$100.00.

4014. *Purchase of firearms in contiguous states.* Residents of the state of Vermont may purchase rifles and shotguns in a state contiguous to the state of Vermont provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Vermont and in the contiguous state in which the purchase is made.

VIRGINIA

State Law

VA. CODE ANN. TITLE 15.1

15.1–523. *Pistols and revolvers; license tax on dealers.* The governing body of any county may impose a license tax of not more than twenty-five dollars on persons engaged in the business of selling pistols and revolvers to the public.

15.1–524. *Same; reports of sales.* The governing body of any county may require sellers of pistols and revolvers to furnish the clerk of the circuit court of the county, within ten days after sale of any such weapon, with the name and address of the purchaser, the date of purchase, and the number, make and calibre of the weapon sold. The clerk shall keep a record of the reports.

15.1–525. *Same; in certain counties.* Chapter 297 of the Acts of 1944, approved March twenty-nine, nineteen hundred forty-four, requiring permits to sell or purchase pistols or revolvers in any county having a density of population of more than one thousand a square mile, is continued in effect.

VA. CODE ANN. TITLE 18.1

18.1–78.6. *Manufacture, possession, use, etc., of fire bombs.* (a) For the purpose of this section, "fire bomb" means a container containing gasoline, kerosene, fuel oil, derivative thereof, or similar flammable substance, with a flash point of one hundred seventy degrees Fahrenheit or less, having a wick or other substance or device which, if set or ignited, is capable of igniting such gasoline, kerosene, fuel oil, derivative thereof or similar flammable substance; provided that no similar device commercially manufactured and used solely for the purpose of illumination shall be deemed to be a fire bomb.

(b) It shall be unlawful for any person to possess materials with which fire bombs or explosives as defined in 40.1.23 can be made with the intent to manufacture fire bombs or explosives. If other circumstances surrounding the case shall show that fire bombs or explosives are intended to be made, possession of such materials with which fire bombs or explosives may be made shall be prima facie evidence of an intent to manufacture fire bombs or explosives.

(c) It shall be unlawful to manufacture, distribute, possess or use a fire bomb or explosives.

(d) Violators of this section shall be guilty of a felony, and shall be confined in the penitentiary not less than one nor more than five years.

(e) Nothing in this section shall prohibit the authorized manufacture, use or possession of any material, substance, or device by a member of the armed forces of the United States, firemen or law-enforcement officer; nor shall it prohibit the manufacture, use or possession of any material, substance or device to be used solely for scientific research, educational purposes or for any lawful purpose.

18.1–258. *Definitions.* When used in this article: (1) "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than seven shots or bullets may be rapidly, automatically or semi-automatically, discharged from a magazine, by a single function of the firing device, and also applies to and includes weapons, loaded or unloaded, from which more than sixteen shots or bullets may be rapidly, automatically, semiautomatically or otherwise discharged without reloading.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

18.1–260. *Use of machine gun for aggressive purpose.* Unlawful possession or use of a machine gun for an offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of from one to ten years.

18.1–261. *What constitutes aggressive purpose.* Possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) When the machine gun is in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the machine gun is of the kind described in § 18.1–265 and has not been registered as in such section required; or

(4) When empty or loaded shells of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

18.1–263. *What article does not apply to* Nothing containing in this article shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) Machine guns and automatic arms issued to the National Guard of Virginia by the United States or such arms used by the United States Army or Navy or in the hands of troops of the National Guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions;

(3) The possession of a machine gun for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; or

(4) The possession of a machine gun other than one adapted to use cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber, for a purpose manifestly not aggressive or offensive.

18.1–265. *Registration of machine guns.* Every machine gun in this State adapted to use cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or large caliber shall be registered with the Department of State Police annually. It shall be registered within twenty-four hours after its acquisition. * * *

18.1–268.1. *Definitions.* When used in this article: (1) "Sawed-off" shotgun applies to any weapon, loaded or unloaded, originally designed as a shoulder weapon, utilizing a self-contained cartridge from which a number of ball shot pellets or projectiles may be fired simultaneously from a smooth or rifled bore by a single function of the firing device and which has a barrel length of less than eighteen inches for smooth bore weapons and sixteen inches for rifled weapons. Weapons of less than 225 caliber shall not be included.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

18.1–268.3. *Possession or use of "sawed-off" shotgun for offensive or aggressive purpose.* Unlawful possession or use of a "sawed-off" shotgun for an offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not less than ten years.

18.1–268.4. *What constitutes offensive or aggressive purpose.* Possession or use of a "sawed-off" shotgun shall be presumed to be for an offensive or aggressive purpose:

(1) When the "sawed-off" shotgun is found in the possession of an individual at the scene of a riot or civil disturbance, unless such possession is on premises owned or rented by the individual for residential, recreational or business purposes and obviously for defense of his person, family or property during such riot or civil disturbance;

(2) When the "sawed-off" shotgun is in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the "sawed-off" shotgun is of the kind described in § 18.1–268.1 and has not been registered as required in § 18.1–268.8 [§ 18.1–268.7]; or

(4) When the "sawed-off" shotgun is found in the possession of an individual under circumstances indicating his preparation to participate in a riot or civil disturbance or his preparation for the commission of a crime of violence.

18.1–268.5. *Exceptions to application of article.* Nothing contained in this article shall prohibit or interfere with:

(1) The manufacture for, and sale of "sawed-off" shotguns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) "Sawed-off" shotguns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

institutions;

(3) The possession of a "sawed-off" shotgun for scientific purposes, or the possession of a "sawed-off" shotgun not usable as a firing weapon and possessed as a curiosity, ornament, or keepsake.

18.1-268.7. *Registration of "sawed-off" shotguns.*—Every "sawed-off" shotgun in this State shall be registered with the Department of State Police within twenty-four hours after its acquisition. Thereafter it shall be registered annually. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed shall be notarized and shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The Superintendent of State Police shall immediately upon registration required in this section furnish the registrant with a certificate of registration, which shall be kept by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a misdemeanor and punishable by a fine of not less than five nor more than one thousand dollars, and any peace officer may, without warrant, seize the "sawed-off" shotgun and apply for its confiscation as provided in § 18.1-268.8. No registered "sawed-off" shotgun shall be transferred without the registrant notifying in writing the Superintendent of State Police of the name and address of the transferee. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purpose.

18.1-344. *Furnishing certain weapons to minors.* If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, * * * such person shall be guilty of a misdemeanor * * *.*

VA. CODE ANN. TITLE 59.1

59.1-148.1. *Purchase of firearms in contiguous state.* Any resident of the Commonwealth of Virginia, including a corporation or other busineses entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same into the Commonwealth of Virginia provided the sale meets the lawful requirements of each such state, meets all lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Abingdon

29-6. *Selling pistols, etc., to minors under eighteen years of age.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age. * * *.*

Alexandria

41-8. *Procedure for sale of pistols or revolvers; sale to certain persons prohibited.* Every person desiring to purchase or otherwise acquire in the city a pistol or revolver shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol or revolver, * * *. Forms for such applications shall be furnished by the superintendent of police at the expense of the city. It shall be unlawful for any person to give false information or offer false evidence of his identity in making such application or in acquiring a pistol or revolver. No person shall within the city deliver or otherwise dispose of a pistol or revolver until seventy-two hours shall have elapsed from the time of the application.

No person shall within the city sell or otherwise dispose of a pistol or revolver to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under the age of eighteen years, is a drug addict, or is a person who has been convicted of a crime of violence.*

If, within the seventy-two hour waiting period required by this section, the superintendent of police or anyone designated by him shall inform the proposed seller or person proposing to dispose of a pistol or revolver that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under the age of eighteen years, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is so unqualified to acquire such weapon.

A crime of violence, as used in this section, shall be taken to mean murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, robbery, larceny, assault with intent to kill, commit rape or robbery, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment in the penitentiary or an attempt to commit any of such crimes.

41-13. *Permits for engaging in business as dealers—Required.* Any person desiring to engage in the business of selling or dealing in pistols or revolvers in the city at retail shall obtain from the superintendent of police to permit to deal in such weapons. This permit shall be in addition to the revenue license required by section 58-394, of the Code of Virginia, and of any city revenue license.

Appomattox

17-4. *Sale, etc., of guns, dirks, etc., to minors under age of eighteen years.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a gun, rifle, air rifle, pistol, cartridge, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.*

Arlington County

CHAPTER 297, ACTS OF ASSEMBLY OF 1944

1. In any county having a density of population of more than one thousand a square mile, as shown by the last preceding United States census, any person, firm or corporation engaged in the business of selling pistols or revolvers at retail shall, before making any such sale, register as such a dealer with the chief of police of the county and obtain from him a permit to sell such weapons to persons entitled to buy them, which permit he shall issue upon his being satisfied with the fitness of the dealer to engage in such business. Such permits shall be issued for a period of one year.

Any person desiring to buy at retail or otherwise acquire a pistol or revolver shall first apply to the chief of police, hereinafter called the Chief, for a permit so to do, and shall at the same time give to the Chief such information as he requires concerning his fitness to own and possess such weapon. The Chief may grant such permit, or refuse same or defer the application until he has made an independent investigation of the applicant; provided no permit shall be granted to any person under the age of eighteen years, nor until the Chief is satisfied that the applicant is a proper person to own and have the weapon in his possession.

No dealer holding a permit issued hereunder shall sell, give, barter, exchange or furnish a pistol or revolver to any person unless he delivers to the dealer the permit of the Chief as required in this act. Upon the delivery of any such weapon to any person by the dealer, he shall endorse on the permit the date of delivery, the name and address of the person to whom delivered, the number, and the make and calibre of the pistol or revolver, and shall return the permit to the Chief not later than the day following that on which the weapon was sold or furnished.

The Chief shall make and preserve in his office a record of all permits issued by him hereunder, showing thereon the dates when and the persons to whom issued.

Any person violating any provision of this act shall be guilty of a misdemeanor.

NOTE: Arlington County, Virginia comes within the purview of the aforementioned act.

11-47. *Pistol dealers.* Every person selling pistols in the county shall pay for the privilege an annual license tax of twenty-five dollars, which tax shall not be prorated. Before issuing any license under the provisions of this section the Commissioner of the Revenue shall obtain from the applicant evidence that he has obtained a permit from the Chief of Police in accordance with Acts of Assembly 1944, Chapter 297.

Bedford

25-4. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.*

Bridgewater

4-37. *Prohibiting sales to minors.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol, dirk, bowie knife, black jack, metal knucks, tear gas pen or gun or other weapon of like kind, having good cause to believe him or her to be a minor under eighteen years of age.*

Bristol

9-8. *Definition.* "Small arms ammunition", wherever used in this division, shall be taken to mean any shotgun, rifle, pistol or revolver cartridges.

9-9. *Permit for manufacture, etc.* No person shall manufacture or reload within the city any small arms ammunition, except pursuant to a permit issued by the bureau of fire prevention. Upon due application therefor, the

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

bureau of fire prevention may issue a permit to a properly qualified person for manufacturing or reloading small arms ammunition in the city. Such permit shall impose such restrictions as in the opinion of the chief of the bureau of fire prevention may be necessary properly to safeguard life and property in each case.

9–10. *Permit for sale, etc.* No person shall store for sale, or sell or offer for sale any small arms ammunition, except pursuant to a permit issued by the bureau of fire prevention. Upon due application therefor, the bureau of fire prevention may issue a permit to a properly qualified person for storing for sale, selling or offering for sale small arms ammunition in the city. Such permit shall impose such restrictions as in the opinion of the chief of the bureau of fire prevention may be necessary properly to safeguard life and property in each case.

Brunswick County

Report of sales of pistols and revolvers; penalty. All sellers of pistols and revolvers shall furnish the Clerk of the Circuit Court of Brunswick County, Virginia, within ten (10) days after sale of any such weapon, with the name and address of the purchaser, the date of purchase and the number, make and calibre of the weapon sold. The Clerk shall keep a record of the reports. Any person, persons, business, or agency failing to comply with this requirement shall be subject to a fine of not exceeding one hundred dollars and imprisonment in jail for not exceeding six months, either or both.

Sellers to obtain identity of purchaser; presumption. In obtaining the name and address of the purchaser, as hereinabove provided, if the purchaser be not personally known to the seller, the seller shall use such means and methods to secure the correct name and address as are generally employed in Brunswick County to obtain the correct identity of a person tendering a check for payment, and proof of failure to do so shall establish a presumption that the above-required report has not been furnished if it be proved that said name and address, or either of them, were incorrect at the time of sale.

Purchasers to notify sheriff of intention to purchase pistols and revolvers. Any person intending to purchase a pistol or revolver shall first notify the Sheriff of Brunswick County of his intention so to do at least thirty (30) days before said purchase and shall state the type and calibre or calibres of said weapon or weapons and the name of the intended seller and purchaser. Whereupon, the Sheriff shall execute a writing, signed by him, showing thereon said information and shall deliver a copy thereof to the intended purchaser to exhibit to the seller.

Charlottesville

16A–50. *Dealers in firearms, dirks and Bowie knives.* No person, firm or corporation shall sell firearms, dirks or Bowie knives without having first procured a license therefor. * * *.

19–85. *Firearms—Sales, etc., to minors.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, firearms, cartridges, dirks, switch-blade knives or Bowie knives, having good cause to believe such minor to be under eighteen years of age.

The term "firearms," as used in this section, shall be construed to include any gun, rifle or pistol adapted to the use in any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.*

19–85.1. *Firearms—Sale of firearms, dirks or Bowie knives—Permit required.* No person shall sell firearms, dirks or Bowie knives without having first procured the annual written consent of the city manager to engage in such business. This same consent shall be used by such person in applying for his business license under the License Tax Ordinance.

Chesapeake

17–60. *Same—Permit generally.* No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, dirk, switch blade knife, slingshot or any weapon of like kind, unless and until a permit, granted by the Chief of Police, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

17–61. *Same—Permit for persons under eighteen years of age.* It shall be unlawful for any person under the age of eighteen years to shoot, carry or use any firearms within the city unless a permit is first obtained from the chief of police, except when on a properly established target shooting range which is being supervised by a representative of the armed services of the United States or the state, or an instructor certified by the National Rifle Association. Application for such permit shall be made in person to the chief of police of the city and the applicant shall be accompanied by his parent or guardian who shall give his approval to the issuance of the permit. A minor under eighteen years of age shall be accompanied by an adult while hunting, except on property owned by his family.

Chesterfield

7–20. *Weapons—pistol dealers—License required; tax.* Any person engaged in the business of selling pistols and revolvers to the public shall obtain an annual county pistol dealer's license and shall pay therefor the sum of twenty-five dollars.

Clifton Forge

13–44. *Selling or furnishing to minors.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given, or furnished to any minor under eighteen (18) years of age, a pistol, dirk, bowie knife, having good cause to believe him to be a minor under eighteen (18) years of age.*

Colonial Heights

12–80. *Dirks, Bowie knives, firearms, etc.* Every person who engages in the business of dealing in or selling of dirks, Bowie knives or other kinds of firearms or weapons not otherwise taxed shall pay a license tax of $100.00; provided, however, that nothing in this section shall apply to any person regularly licensed as a retail merchant under section 12–110.

16–52. *Weapons—Furnishing to minors under eighteen.* It shall be unlawful for any person to sell, barter, give, furnish, or cause to be sold, bartered, given, or furnished to any minor under eighteen years of age, a pistol, dirk, or Bowie knife, having good reason to believe him to be a minor under eighteen years of age.*

Covington

31–3. *Furnishing pistol, dirk, etc., to minor under eighteen years of age.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol, dirk, switchblade knife, Bowie knife, or any air rifle, air pistol or like devise, having good cause to believe him to be a minor under eighteen years of age.*

31–4. *Selling cartridges, etc., to persons under eighteen years of age:* It shall be unlawful for any person to sell, give, lend, barter or furnish or cause to be sold, given, lent, bartered or furnished to any person under the age of eighteen years any gunpowder or similar explosive substance, shells, cartridges, shot or pellets.

31–5. *Possession, transportation, etc., of guns, etc., by persons under eighteen years of age.* It shall be unlawful for any person under the age of eighteen years to have in his possession or to carry or transport any gun, pistol, cannon or similar instrument capable of shooting or firing any shell, bullet, cartridge or exploding any powder or similar substance or propelling any ball, bullet, shot or pellet or similar object, by any means, for a distance of more than fifty feet.

Culpeper

27–4. *Furnishing certain weapons to minors.* No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age. * * *.*

Elkton

33–2. *Sale of certain weapons to minors under age of eighteen years.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, dirk, Bowie knife, black jack, metal knucks, tear gas, pen or gun, or other weapon of like kind, having good cause to believe him to be a minor under eighteen years of age.*

Emporia

14–75. *Same—Pistol permit required prior to purchase.* It shall be unlawful for any person to purchase a pistol of any calibre or description within the city unless such person shall have obtained a written permit from the chief of police of the city authorizing such purchase.

14–76. *Same—Exhibiting pistol permit to seller.* It shall be unlawful for any person to sell a pistol of any calibre or description within the city to any person unless such purchaser shall first exhibit to the person selling the pistol, a written permit, executed by the chief of police of the city, authorizing the sale and purchase of a pistol within the city.

Fairfax

1966–2B. (A) *Definitions.* The following terms, whenever used in this article shall have the meanings respectively set forth in this section, unless a different meaning is clearly required by the context:

"Applicant." Any person, firm, or corporation applying to the Chief of Police for certificate of registration to sell firearms or for authority to purchase a pistol.

"Chief of Police." The Chief of the City of Fairfax Police Department or his designated agent.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

"Crime of Violence." Any of the following crimes or an attempt to commit any of the same, to-wit: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping, mayhem, and assault.

"Fixed Ammunition." Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

"Habitual Drunkard." Any person who has been convicted of being drunk in public three or more times within a period of one year.

"Licensed Dealer." Any person, firm or corporation engaged in the business of selling at retail or renting pistols in the City of Fairfax, who is either licensed, or required to be licensed, as such under State or Federal Law.

"Person." As used in this Ordinance includes individual, firm, association, or corporation.

"Pistol." Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

(B) *Dealers registration required* * * *. (1) Any person, before engaging in the business of selling at retail or renting pistols in the City of Fairfax, Virginia, shall be required to register with the Chief of Police on application forms furnished by the Chief of Police. * * *

(C) *Dealers not to sell, etc., without registration.* (1) It shall be unlawful for any person, firm or corporation to engage in the business of selling at retail or renting pistols without having in force a registration approved by the Chief of Police as hereinbefore provided. * * *

(E) *Dealers not to sell, etc., to minors and other persons.* (1) No licensed dealer, or other person, shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under 21 years of age, a pistol, having good cause to believe him to be a minor under 21 years of age nor shall any licensed dealer or other person sell, lend, rent, or otherwise transfer any pistol to any person whom he has reasonable cause to believe has been convicted of a crime of violence or a felony within the past 10 years, or is a drug addict, or is an habitual drunkard or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent, or otherwise acquire a pistol by the Chief of Police under the provisions of this article.

(F) *Acquisition of pistols from dealers or other persons.* (1) Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer or other person shall make application under oath on forms provided by the Chief of Police * * *.

(G) *Approval of application.* (1) No licensed dealer or other person shall sell, rent, or transfer, any pistol to any purchaser who does not exhibit an application approved by the Chief of Police.

(H) *Waiting period for sale of pistols.* (1) Except as hereinafter provided the Chief of Police shall approve the application of a purchaser of a pistol within 72 hours of the delivery of the same to the Chief of Police, excluding Saturdays, Sundays, and Holidays, unless he shall find one or more of the enumerated statements on the application to be untrue.

(2) Where the applicant is a nonresident of the City of Fairfax, but has been a resident of the State of Virginia for more than 3 years, immediately preceding the date of application the aforesaid time shall be extended to 5 days.

(3) Where the applicant is a nonresident or has not resided in the State of Virginia for a period of 3 years next preceding the date of application the time shall be extended to 30 days.

(I) *Notice of rejection.* (1) If, within the prescribed period, the Chief of Police shall inform in writing the licensed dealer or other person who proposes to sell the pistol that the application was rejected for one or more of the following reasons, (a) the applicant is under the age of 21 years, or (b) has been committed to an institution for treatment of mental illness, or drug addiction, and has not been discharged therefrom for a period of 10 years preceding the date of said application, or (c) has been convicted of a crime of violence, or (d) has been convicted of a felony within the past 10 years, or (e) is an habitual drunkard, or (f) the applicant is a fugitive from justice, or (g) that a statement on the application is untrue, it shall be unlawful for the dealer to deliver the pistol to the applicant.

(2) A copy of the letter of denial of the Chief of Police shall be furnished the applicant by the licensed dealer.

(K) *Exemptions.* (1) This article shall not apply to: (a) purchases by any licensed dealer registered in accordance with the provisions of this article; (b) rental of pistols by persons eighteen years of age or over while used upon a supervised rifle or pistol range; (c) the delivery of a pistol to its lawful owner by any person with whom such pistol has been left on consignment for safekeeping or for repairs; (d) a wholesale purchase from a licensed dealer by any person, firm or corporation engaged in the business of manufacturing, repairing, or selling pistols at retail.

Fairfax County

Article I. In general. 28–1. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Gun. The term "gun" shall include any firearm, rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas or compressed air.

Missile. The term "missile" shall mean any projectile propelled by a self contained propellant. * * *.

28–4. *Transfer, etc., of guns to minors prohibited; exceptions.* It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun, as defined by section 28–1, or any projectile therefor within the county to a minor under the age of eighteen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.*

28–8. *Same—Application; forms; rules and regulations; fee.* Any dealer other than a dealer licensed to sell firearms desiring a license to sell, lend, rent or otherwise transfer guns or projectiles therefor, shall make application to the supervisor of assessments of the county who shall provide the necessary forms and shall prescribe by reasonable rules and regulations the information to be contained in such application. The applicant for such dealer's license shall pay a fee of five dollars per annum.

28–11. *Dealers not to sell, etc., to minors.* It shall be unlawful for any licensed dealer to sell, lend, rent or otherwise transfer guns or projectiles therefore to a minor.

28–12. *Giving, lending, etc., to minors.* It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or projectiles therefor to a minor, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between person and the minor.

28–16. *Definitions.* The following terms, whenever used in this article, shall have the meanings respectively set forth in this section unless a different meaning is clearly required by the context:

Chief of police. The chief of the county police department or his designated agent.

Crime of violence. Any of the following crimes or an attempt to commit any of the same: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping and assault.

Habitual drunkard. Any person who has been convicted of being drunk in public three or more times within a period of one year.

Fixed ammunition. Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

Licensed dealer. Any person engaged in the business of selling at retail or renting pistols in the county who is either licensed or required to be licensed as such under state or federal law.

Pistol. Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

28–17. *Registration of dealers—Required; application; granting or denial; appeal from denial.* Any person, before engaging in the business of selling at retail or renting pistols in the county, shall be required to register with the chief of police on application forms furnished by the chief of police. The application form shall contain the following information: * * *.

28–18. *Same—Engaging in business while unregistered prohibited; display of registration certificate.* It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration statement endorsed by the chief of police as hereinbefore provided.

The registration statement shall be displayed on the premises where the pistols are sold or rented.

28–20. *Sale of pistols to minors, drug addicts, habitual drunkards, etc., prohibited.* No licensed dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, having good cause to believe him to be a minor under eighteen years of age, nor shall any licensed dealer sell, lend, rent or otherwise transfer any pistol to any person whom such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is an habitual drunkard or is a fugitive from justice or is of unsound mind nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the chief of police under the provisions of this article.*

28–21. *Application for acquisition of pistol.* Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer shall make application on forms provided by the chief of police, * * *.

28–22. *Waiting period prior to delivery of pistol to purchaser—required.* No licensed dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, excluding Saturdays, Sundays and holidays, shall have elapsed from the time the application has been received by the chief of police. The chief of police shall cause a postal card to be mailed to the dealer on the same

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

day the application is received in his office stating the time and date the application was received.

28–23. *Same—Grounds for prohibiting delivery; notice to dealer of prohibition.* If, within the seventy-two hour period, the chief of police shall inform, in writing, which shall not be privileged, the licensed dealer who proposes to sell the pistol that the applicant to purchase such pistol is (1) under the age of eighteen years, (2) a person who has been committed to an institution for treatment of mental illness or drug addiction and has not been discharged therefrom for a period of three years preceding the date of such application, (3) has been convicted of a crime of violence or (4) is an habitual drunkard, it shall be unlawful for the dealer to deliver the pistol to the applicant. A copy of the letter of denial of the chief of police shall be furnished the applicant by the licensed dealer.*

28–25. *Exemptions from article.* This article shall not apply to:

(a) Marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law enforcement officers currently employed as such.

(b) Any person having state department diplomatic immunity or any official branch of a federal, state or local government.

(c) Purchases by any licensed dealer registered in accordance with the provisions of this article.

(d) Rental of pistols by persons eighteen years of age or over while used upon a supervised rifle or pistol range.

(e) The delivery of a pistol to its lawful owner by any person with whom such pistol has been left on consignment, for safekeeping or for repairs.

(f) A wholesale purchase from a licensed dealer by any person engaged in the business of manufacturing, repairing or selling pistols at retail.

Falls Church

40–1. *Definitions.* For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Any of the following crimes, or any attempt to commit any of the same: Murder; manslaughter; rape; mayhem; maliciously disfiguring another; abduction; kidnapping; burglary; house-breaking; larceny; any assault with intent to kill, commit rape or robbery; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

Machine gun. Any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manually reloading, by a single function of the trigger, but not a shotgun or twenty-two calibre rifle.

Pistols. Any firearm with a barrel less than twelve inches in length.

Sawed-off shotgun. Any shotgun with a barrel less than twenty inches in length.

Sell and purchase. Includes letting or hiring and similar forms of transferring.

40–3. *Unlawful possession of pistol.* (a) No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the city if:

(1) He is a drug addict.

(2) He has been convicted in the city or elsewhere of a felony.

(3) He has been convicted of soliciting for prostitution, vagrancy or keeping a bawdy or disorderly house.

(4) He is not licensed under section 40–10 to sell weapons, and he has been convicted of violating section 40–2.

(5) He is a habitual drunkard.

(b) No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict or a habitual drunkard. Whoever violates this section shall be punished as provided in this Code, unless the violation occurs after he has been convicted of a violation of this section, in which case he shall be confined for not more than one year in jail.

40–7. *Sales of pistols to certain persons prohibited.* No person shall within the city sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 40–3 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

40–8. *Transfers of firearms regulated.* No seller shall within the city deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof; except, that the chief of police, in his discretion, may authorize in writing the seller to deliver a pistol to the purchaser during the seventy-two hours period, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. * * * No machine gun, sawed-off shotgun or blackjack shall be sold to any person other than the persons designated in section 40–14 as entitled to possess the same and then only after permission to make such sale has been obtained from the chief of police of the city. This section shall not apply to sales at wholesale to licensed dealers.

40–9. *Weapon dealer's license—Required.* No retail dealer shall, within the city, sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun or blackjack without being licensed as provided in section 40–10. No wholesale dealer shall, within the city, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

40–10. *Same—Issuance; conditions; records.* The city council may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns and blackjacks at retail within the city subject to the following conditions, in addition to those specified in section 40–9 for breach of any of which the license shall be subject to forfeiture and the licensee subject to the punishment as provided in this Code; * * *

(3) No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 40–3 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the person designated in section 40–14 as entitled to possess the same, and then only after permission to make such sale has been obtained from the chief of police of the city.

40–11. *False information forbidden in sale of weapons.* No person shall, in purchasing a pistol or in applying for a license to carry same, or in purchasing a machine gun, sawed-off shotgun or blackjack within the city, give false information or offer false evidence of his identity.

40–12. *Alteration of identifying marks of weapons.* No person shall within the city, change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any pistol, machine gun or sawed-off shotgun. Possession of any pistol, machine gun or sawed-off shotgun upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered or obliterated the same within the city; provided that nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the city engaged in experimental work.

40–13. *Toy or antique pistols.* This chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

40–14. *Possession of certain dangerous weapons prohibited.* (a) No person shall, within the city, possess any machine gun, sawed-off shotgun or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switchblade knife or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms; provided, that machine guns or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy or Marine Corps of the United States, the National Guard or organized reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities or other valuables, wholesale dealers and retail dealers licensed under section 40–10.

Farmville

18–49. *Same—Permits for purchase and sale.* (a) No person within the town shall purchase or otherwise procure as his own property or for temporary use any pistol, dirk, bowie knife, black jack or any weapon of like kind unless and until that person shall procure from the chief of police a permit in writing signed by the chief of police, granting the person permission to make the purchase or procure the weapon. The permit shall be delivered to and kept on file by the person from whom the purchase is made and from whom the weapon is procured and shall be open to inspection to any police officer. No person shall sell, give or deliver to any person within the town any pistol, dirk, bowie knife, black jack or any other weapon of like kind unless the person to whom such weapon is sold, given or delivered shall thereupon deliver the permit to the person who shall sell, give or deliver such weapon.

18–50. *Same—Sale to minors.* It shall be unlawful for any person to sell, barter, give, furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk or bowie knife, having good reason to believe him to be a minor under eighteen years of age.*

Franklin

31–7. *Selling pistols, etc., to minors under eighteen years of age.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, hav-

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

ing good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.*

Fredericksburg

17.1-25. *Furnishing certain weapons or tobacco in any form to minors.* If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, or if any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under sixteen years of age cigarets or tobacco in any form, having good cause to believe him to be a minor under sixteen years of age such person shall be guilty of a misdemeanor and be fined not less than two dollars and fifty cents nor more than one hundred dollars.*

28.1-218. *Pistols, dirks.* On every person, firm or corporation, engaged in the business of selling pistols, or dirks, there shall be a specific license tax of $100.00. Any pistol designed to fire a cartridge, whether blank or lead, shall be included in the provision of this section. Not pro-rated.

Front Royal

15-61. *Pistol dealers.* For every license for engaging in the business of selling pistols, there shall be paid a license tax of fifteen dollars per year. Such license tax shall not be prorated.

32-2. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.*

Galax

20-128. *Weapons—Sales, etc., to minors—* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen (18) years of age, firearms, cartridges, dirks, switchblade knives or Bowie knives, having good cause to believe such minor to be under eighteen (18) years of age, he shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00).

The term "firearms", as used in this section, shall be construed to include any gun, rifle or pistol adapted to the use in any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.*

Greensville County

On or after 1 January 1966, it shall be unlawful for any person, firm, or organization to purchase a pistol of any calibre or description within Greensville County, Virginia, unless such person, firm, or organization shall have obtained a written permit from the Sheriff of Greensville County, Virginia, authorizing such purchase. On or after 1 January 1966, it shall be unlawful for any person, firm, or organization to sell a pistol of any calibre or description within Greensville County, Virginia, to any person, firm, or organization unless said purchaser exhibits a written permit executed by the Sheriff of Greensville County, Virginia, authorizing such purchase.

Hampton

41-4. *Sale of certain weapons to minors under age of eighteen years.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or bowie knife, having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.*

Harrisonburg

19-53. *Same—Furnishing to persons under eighteen years of age.* It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, dirk or bowie knife, having good cause to believe him to be a minor under eighteen years of age.*

Henrico County

8-3. *Permits—Certain permits obtainable from police chief.* Every person desiring a license under the provisions of this chapter for furnishing detective service, detective, medicine vendor or desiring to sell or offer to sell at retail, pistols or revolvers, or to buy at retail or otherwise acquire a pistol or revolver, shall first apply to the chief of police for a permit and shall produce to the chief of police, evidence of the good character of the individual, the members of the firm, or the chief officers of the corporation, as the case may be. It shall thereupon be the duty of the chief of police to make a reasonable investigation of the character of the individual, or of each member of the firm, or of each chief officer of the corporation as the case may be, and if he be satisfied that the individual, the members of the firm, or the principal officers of the corporation, as the case may be, be of good moral character and fit to engage in the proposed business, or to buy, sell or otherwise acquire a pistol or revolver, he shall issue the permit. The form of the application for the permit and the form of the permit itself shall be prepared and furnished by the chief of police.

Hopewell

41-2. *Possession of pistols, etc., of home-made construction.* It shall be unlawful for any person within the city to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made construction; provided, however, that this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

41-3. *Sale of certain weapons to minors under age of eighteen years.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.*

Jarratt

I. (A) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to purchase a pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(B) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to sell a pistol of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless said purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(C) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to purchase a rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(D) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to sell a rifle of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless such purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

II. (A) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to offer for sale any pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such pistol.

(B) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to offer for sale any rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such rifle.

Leesburg

24-7. *Selling pistols, etc., to minors under eighteen years of age.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.*

Lexington

27-5. *Sale, etc., of guns, dirks, etc., to minors under age of eighteen years.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given of furnished to any minor under eighteen years of age a gun, rifle, air rifle, pistol, cartridge, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.*

Luray

28-5. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.*

Lynchburg

33-2. *Selling, etc., dangerous weapons to minors.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

eighteen years of age, any firearms, cartridges, dirks or Bowie knives, air rifles, air guns, hunting arrows or fireworks in any form, having good cause to believe such minor to be under eighteen years of age, such person shall, upon conviction, be fined not less than ten dollars, nor more than one hundred dollars.

The term "firearms", as used in this section, shall be construed to include any gun, rifle or pistol adapted to use in any form powder and shot, or balls or pellets, or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.*

Manassas Park

30–4. *Possession of pistols, etc., of home-made construction.* It shall be unlawful for any person within the town to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made construction; provided, that this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

Narrows

45. Be it ordained by the council of the town of Narrows that it shall be unlawful for any child under 18 years of age to have in possession within the town of Narrows, any air-rifle, gravel shooter, sling-shot, or small caliber firearm, and that it shall be unlawful for the parent of any child under the age of 18 years to permit such child to possess any such air-rifle, gravel shooter, sling-shot or small caliber firearm.

Newport News

42–1. *Sale of certain firearms, etc., to minors under eighteen years of age.* It shall be unlawful for any person to sell to any minor under eighteen years of age any firearm or deadly weapon of any description, or the ammunition therefor.*

For the purpose of this section, the word "firearm" shall be taken to mean any instrument used in the propulsion of shot, shell, bullet or pellet, by the action of gunpowder exploded within it.

Norfolk

51–5. *Furnishing certain weapons to minors under eighteen; permitting minors under eighteen to own etc., certain weapons.* No person shall, within the city, purchase for or sell, lease, give or lend to any minor child under the age of eighteen years, any pistol, rifle, air rifle, gun, dirk, Bowie knife, slungshot, slingshot, whip of more than thirty-six inches in length or any weapon of like kind.*

51–7. *Permit for purchase of certain weapons.* No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, dirk, Bowie knife, slungshot or any weapon of like kind, unless and until a permit, granted by the judge of the corporation court in term time, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall surrender to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

Petersburg

48–8. *Permits to buy, etc., pistol, dirk, slung shot.* No person within the city shall purchase or otherwise procure, as his own property, or for temporary use, any pistol, dirk, Bowie knife, slung shot, blackjack or any weapon of the like kind, or any pistol or rifle ammunition, unless and until such person shall procure from the chief of police of the city a permit in writing, signed by the chief of police, granting such person permission to make such a purchase or to procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made or from whom such weapon is procured, and shall be open to inspection by any police officer of the city. No person shall sell, give or deliver to any person within the city any pistol, dirk, Bowie knife, slung shot, blackjack or any other weapon of the like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person who shall sell, give or deliver such weapon, a permit such as is referred to above. Nothing in this section shall apply to the sale, gift or delivery, or to the purchase or procurement of low-powered rifles or rifle ammunition therefor of 22-calibre and under, commonly used for target practice purposes.

48–11. *Sale of certain weapons to minors under age of eighteen years.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.*

Portsmouth

38–7. *Sale, etc., to minors.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, he shall, upon conviction, be fined not less than two dollars and fifty cents nor more than one hundred dollars.

38–9. *Required; definitions.* No person shall sell, rent, give or otherwise furnish (hereinafter referred to as "sell") to any person within the city any pistol, dirk, Bowie knife, sling shot, switch-blade knife or any weapon of a like kind, unless and until the recipient thereof (hereinafter referred to as "purchaser") shall present to such person (hereinafter referred to as "dealer") a permit granted by the chief of police authorizing the purchaser to purchase or acquire such weapon.*

38–10. *Issuance; regulations applicable when weapon is to be carried concealed.* Whenever the applicant for a permit as required in section 38–9 produces a certified order of the judge of the court of hustings authorizing the applicant to carry the subject weapon as a concealed weapon, the chief of police shall issue such permit.

In cases where the subject weapon is not to be carried as a concealed weapon, the chief of police shall issue the permit to purchase or acquire subject to the following regulations:

(1) The applicant must personally sign and complete a written application for the permit.

(2) The applicant must be fingerprinted by the police department.

(3) A report of the police records of the applicant must be obtained by the police department from the Federal Bureau of Investigation.

(4) The applicant must show a lawful use for the subject weapon.

(5) When such investigation discloses that the public welfare will be prejudiced by permitting a person of known mental instability or criminal activity involving breach of the peace, such a permit shall not be granted.

Prince Edward County

(1) No person within the County of Prince Edward shall purchase or otherwise procure as his own property, or for temporary use, any pistol, dirk, Bowie knife, black jack or any weapon of like kind, unless and until, such person shall procure from the Sheriff of Prince Edward County a permit, in writing, signed by the Sheriff, granting such person permission to make such purchase or procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall be open to inspection to any police officer. No person shall sell, give or deliver to any person within the County of Prince Edward any pistol, dirk, bowie knife, black jack or any other weapon of like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person whom shall sell, give or deliver such weapon a permit as is referred to above.

Richmond

17–44. *Manufacture of small arms ammunition.* No person shall manufacture within the limits of the city any small arms ammunition. This shall not be construed as prohibiting the handloading of small arms ammunition for private use and not for resale.

37–209. *Pistols and revolvers.* (a) Every persons engaged in the business of selling or offering for sale at retail pistols or revolvers shall obtain a special permit therefor from the director of public safety, as required under section 37–97 of this Code, before any license will be issued, as well as obtain a revenue license as a merchant.

(b) No person shall be allowed to buy at retail or otherwise acquire a pistol or revolver without a permit issued by the director of public safety in accordance with section 37–97 of this Code. Nothing herein shall apply to a person duly licensed in the city as a wholesale merchant, buying and selling such weapons in the ordinary course of business.

(c) No person to whom a permit is issued under this section or under section 37–97 of this Code shall sell, give, barter, exchange or furnish a pistol or revolver to any person, unless such person delivers to such licensee the permit of the director of public safety required in this section. Upon the delivery of any such weapon to any person by the licensee, he shall endorse on the permit the date of delivery, name and address of such person, together with the number, make and calibre of the pistol or revolver, and shall return the permit to the director of public safety not later than 11:00 A.M. of the day following that on which such weapon was sold or furnished.

40–1. *Definitions.* When used in this chapter the following words shall have the meanings ascribed to them as follows:

"Ammunition." An explosive cap, cartridge, pellet, ball, missile or projectile adapted for use in a firearm, toy pistol, or toy rifle.

"Firearm." A weapon in which ammunition may be used or discharged by explosion, pneumatic pressure or mechanical contrivance, but shall not mean a toy pistol or toy rifle.

"Minor." A person under the age of twenty-one years.

40–4. *Sale or exchange.* No person shall sell or exchange within the city limits any pistol, dirk, Bowie knife, slung shot, switchblade knife or any weapon of a like kind, or pistol or rifle ammunition, unless and until he shall

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

first have obtained a permit to be granted by the director of public safety to sell or exchange such weapon. Such permit shall be exhibited to the person to whom such is sold or exchanged, and on request shall be exhibited for inspection by any police officer of the city.

40–5. *Purchase.* No person shall purchase, or otherwise procure as his own property or for temporary use any pistol, dirk, Bowie knife, slung shot, switchblade knife or any weapon of a like kind, or pistol or rifle ammunition, unless and until he shall procure a permit from the director of public safety granting permission to make such purchase or to procure the same for use as aforesaid, which permit shall be filed with the person from whom such purchase or exchange is made; provided, that nothing in this section shall apply to the sale or exchange of low-power rifles or rifle ammunition known or designated as 22-calibre, commonly used for target practice purposes.

40–11. *Same—Sale, etc., of ammunition firearms to; exceptions.* It shall be unlawful for any person to sell, give or lend ammunition to a minor.

It shall be unlawful for any person to sell, give or lend a firearm to a minor.

The provisions of this section shall not apply to persons who are members of the armed forces of the United States or the state when such persons and minors who are members of such forces are acting under armed forces orders.

The provisions of this section shall not apply to persons who lend firearms to minors who are members of the cadet corps of public, private or parochial schools for use in connection with their membership in such cadet corps.

The provisions of this section shall not apply to persons who are engaged in instructing others, including members of the cadet corps of public, private or parochial schools, in the use of firearms; provided, that such persons have had valid written permits issued to them by the director of public safety authorizing such instruction. The director of public safety shall issue such permits upon the written application of such persons therefor when he is satisfied after investigation that the place at which such instruction is to be given is a safe place therefor and that such persons are of good moral character and are qualified to instruct others in the use of firearms.

Rocky Mount

12–86. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age. * * *.*

Salem

31–6. *Selling, etc., pistols, etc., to minors under eighteen years of age.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age.*

Smithfield

Any person, firm, corporation, or association in the Town of Smithfield, Virginia, which sells any pistol or revolver, shall, when requested by a prospective purchaser to sell him such a firearm, first send the purchaser to the Chief of Police of the Town of Smithfield, or his authorized representative * * *. The Chief shall fill out a report either authorizing or declining to authorize, as the case may be, the purchase or the weapon, and the purchaser shall return to the seller with this police report. Should the report authorize the sale, the seller may proceed to sell the weapon requested, but if not so authorized, then the said seller shall not complete the sale.

Southampton County

12–1. *Pistol permit.* No person shall purchase a pistol within the county without obtaining a permit from the sheriff to do so. Such pistol shall only be for the use of the purchaser. In order to obtain such a permit, the applicant shall be eighteen years of age or older, a resident of the county and shall not be a known felon or a former inmate of a mental institution. All nonresidents of the county shall present a letter to the sheriff of the county from the chief of police or sheriff of his city, town or county, stating that such applicant can qualify for a permit under this section and is a resident of that city, town or county, prior to obtaining a permit under this section.

12–6. *Selling pistols, etc., to minors under eighteen years of age.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age.*

Stanley

31. *Prohibiting sales to minors.* It shall be unlawful for any person to sell, barter, give or furnish, to any minor under eighteen years of age, any pistol, dirk, bowie knife, blackjack, metal knucks, tear gas pen or gun, or any weapon of like kind having good cause to believe him or her under eighteen years of age.*

Staunton

30–2. *Selling, etc., to minor under eighteen.* If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, he shall be guilty of a misdemeanor and be fined not less than twenty-five dollars nor more than one hundred dollars.*

Strasburg

32–5. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age. Any person violating the foregoing provisions of this section shall be fined not less than two dollars and fifty cents nor more than one hundred dollars.*

Suffolk

13–38. *Weapons—Permit for purchase of pistols, cartridges, dirks, etc.* No person shall sell, within the city, any pistol, dirk, bowie knife, slung shot or any weapon of like kind or pistol cartridges unless and until the proposed purchaser shall present to such seller a permit, granted by the Chief of Police of the city or the judge of the circuit court of the city, allowing purchase of such weapon or cartridges * * *.

Virginia Beach

38–5. *Permit prerequisite to purchase of certain weapons.* No person shall sell, lease, rent, give or otherwise furnish to any person within the city any pistol, dirk, Bowie knife, slungshot or any weapon of like kind, unless a permit granted by the chief of police or such other officer of the police department as may be designated in writing by the chief thereof; shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

Warrenton

11–51. *Pistol dealers.* Every person selling pistols in the town, in addition to any other tax provided, shall pay for the privilege a license tax of ten dollars per annum, which license tax shall not be prorated.

24–6. *Selling pistols, etc., to minors under eighteen years of age.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.*

Waverly

Be it ordained by the Council of the Town of Waverly, that no person shall be permitted to sell pistols or revolvers within the corporate limits of the Town of Waverly, Virginia, without registration of the sale thereof, together with the name of the seller, name and address of the purchaser, age of purchaser, date of sale, and serial number of the firearm; that the sale of firearms to any person under the age of eighteen years shall be prohibited.*

Waynesboro

16–14. *Firearms, knives, explosives, etc.—Sales, etc., to minors prohibited.* No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, pellet guns, dirks, Bowie knives, black powder or any other explosives.

The term "firearms", as used in this section, shall be construed to include any gun, pellet gun, rifle or pistol adapted to the use of any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols", "toy guns" or otherwise, and shall include pellet guns using air pressure.*

Woodstock

28–6. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age. * * *.*

11–51. *Pistol dealers.* Every person selling pistols in the town, in addition to any other tax provided, shall pay for the privilege a license tax of ten dollars per annum, which license tax shall not be prorated.

Wytheville

9–I. *Furnishing certain weapons to certain minors.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age * * *.*

---

*NOTE.—Licensees under the Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

VIRGIN ISLANDS

V.I. CODE ANN. TITLE 23

451. *Definitions.* As used in this chapter, unless the context clearly requires otherwise

(a) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(b) "Commissioner" means the Commissioner of Public Safety of the Virgin Islands.

(c) "Department" means the Department of Public Safety of the Virgin Islands.

(d) "Firearm" means any device by whatever name known, capable of discharging ammunition by means of gas generated from an explosive composition, including any air gas or spring gun or any "BB" pistols or "BB" guns that have been adapted or modified to discharge projectiles as a firearm.

(e) "Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder in any degree, voluntary manslaughter, rape, arson, mayhem, kidnapping, assault in the first degree, assault with or by means of a deadly or dangerous weapon, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

(f) "Dealer in firearms and/or ammunition" means any person engaged in the business of selling firearms and/or ammunition, for a profit or gain.

(g) "Gunsmith" means any person who engages in the business of repairing, altering, clearing, polishing, engraving, blueing or performing any mechanical operation on any firearm on an individual order basis.

452. *Applicability of chapter.* No person shall have, possess, bear, transport or carry a firearm within the Virgin Islands, or engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, except in compliance with the provisions of this chapter.

453. *Persons who may lawfully carry firearms.* (a) The following persons, in the discharge of their official duties, and in accordance with and subject to the conditions and restrictions imposed by the laws and regulations applicable to their conduct, may lawfully have, possess, bear, transport and carry firearms in the Virgin Islands:

1. Members of the Armed Forces of the United States or of the organized reserves;

2. Officers and employees of the United States duly authorized by Federal law to carry firearms;

3. Persons employed in fulfilling defense contracts with the United States Government or agencies thereof where possession or use of firearms is necessary under the provisions of such contracts.

4. Members of the Police Force of the Virgin Islands, marshals, or other duly authorized peace officers;

5. Penitentiary and jail wardens and guards.

(b) The persons authorized by subsection (a) of this section lawfully to have, possess, bear, transport and carry firearms shall obtain such weapons and ammunition therefor only through the duly authorized officers or heads of their respective services or departments.

454. *Persons who may be licensed to carry firearms.* A firearm may be lawfully had, possessed, borne, transported or carried in the Virgin Islands by the following persons, provided a license for such purpose has been issued by the Commissioner in accordance with the provisions of this Chapter:

1. An officer or employee of the Government of the Virgin Islands in cases where such license, in the judgment of the Commissioner, should be issued to such officer or employee by reason of the duties of his position;

2. An agent, messenger or other employee of a common carrier, bank or business firm, whose duties require him to protect money, valuables or other property in the discharge of his duties; and provided, that the employer of such person shall have justified to the satisfaction of the Commissioner the need for the issuance of the license;

3. A person having a bona fide residence or place of business within the Virgin Islands, who established to the satisfaction of the Commissioner that he has good reason to fear death or great injury to his person or property, or who establishes any other proper reason for carrying a firearm, and the circumstances of the case, established by affidavit of the applicant and of at least two credible persons, demonstrate the need for such license;

4. A person licensed to and actively engaged in the business of manufacturing, repairing or dealing in firearms in the Virgin Islands, or the agents or representatives of any such person, having necessity to handle or use firearms in the usual or ordinary course of business;

5. With respect to a rifle or a shotgun a person possessing a valid and current Virgin Islands hunting license.

455. *Application for license; form, oath; fees.* (a) Every application for a license to have and possess a firearm shall be made under oath and on forms which the Commissioner shall prepare for such purpose. For the purposes of the enforcement of the provisions of this chapter, the applicant shall furnish all information as may be required of him by the Commissioner.

457. *Contents of license.* A license issued pursuant to the provisions of section 454 of this chapter shall provide for the following:

1. That the same is not transferable and shall be carried by the licensee at all times when in possession of the firearm for which it was issued;

2. The term thereof, which shall not exceed one year;

3. Places where, times when, and circumstances under which the firearm may be carried;

4. Description of the firearm authorized to be carried, showing the serial number, if any;

5. Grounds for issuance;

6. Grounds for revocation;

7. A dealer's coupon which shall be removed and retained by any person who sells or otherwise provides the licensee with any firearm contemplated in such license.

458. *Grounds for refusing to issue license.* The Commissioner shall not issue a license to have and possess a firearm to any person convicted in or outside the Virgin Islands of any crime of violence; or of any violation of a narcotic or "harmful drug" law; nor to any person who is mentally incompetent, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions of this chapter; nor to any person who for justifiable reasons is deemed to be an improper person by the Commissioner.

460. *Reciprocal recognition of out-of-state licenses.* Unless otherwise prohibited by any state or federal law, a license to possess or to carry firearms, issued by any competent authority of any state or territory of the United States and in accordance with the same or similar requirements as set forth in the preceding sections pertaining to the applicant's eligibilty, and the establishment of his reputation through fingerprints, shall be recognized as valid within the Virgin Islands and shall allow the holder thereof to exercise all of the privileges in connection therewith, while said licensee is a visitor or transient resident herein.

461. *License to sell firearms and/or ammunition; gunsmiths; report of transactions; private transfer sales to minors or aliens.* (a) No person may engage in the business of dealer in firearms and/or ammunition or as a gunsmith without holding a license therefor issued by the Commissioner of Finance upon favorable report of the Commissioner of Public Safety.

(b) Each transaction referring to the importation, or to the sale of firearms and ammunition between dealers, shall be reported to the Commissioner on forms which he shall provide, and the name, domicile, place of business, and the number of the license of the vendor and vendee, as well as the quantities and descriptions of the firearms or ammunition which are the subject of each transaction, shall be set forth therein, as required by the Commissioner.

(c) Any person, not otherwise engaged in the business of a dealer in firearms and/or ammunition, may transfer a firearm to another by sale, gift, exchange or otherwise only upon prior reporting to the Commissioner of the details of the proposed transaction. The Commissioner shall thereupon determine the eligibility of the proposed transferee for a license to possess firearms, and shall make such further determination as may be necessary in the circumstances.

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished by a licensed dealer to a minor who displays a hunting or sporting license issued him in accordance with the laws of the Virgin Islands, and who further displays the written consent of his parent, guardian, or other responsible person acting in their absence and interest, in which such sale or delivery has been authorized.

462. *Application for dealer's or gunsmith's license; form and content; term; fee; renewals.* (a) Any person wishing to obtain a license to engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, or both, shall file with the Commissioner of Finance a sworn application in the manner provided by the said Commissioner of Finance in consultation with the Commissioner of Public Safety which application shall contain all the information necessary so that the license may be issued in accordance with the provisions of this chapter. Such application shall be transmitted to the Commissioner of Public Safety and no license shall be issued under this section without the latter Commissioner first making an investigation of all the statements set forth in the application and without the records of the Department first being examined for the purposes of determining any prior conviction of the applicant, and only when such an investigation establishes that the statements of the applicant are true, and that the applicant has not been convicted of any crime of violence and the Commissioner so certifies, recommending that the license be issued. Where the applicant is a corporation or partnership, no license shall be issued if any officer of the corporation, or partner of the partnership, has been convicted of any crime of violence.

(b) Licenses hereunder shall be issued for a term of one year, expiring in any event on the 15th day of January succeeding the date of issuance.

(c) The annual fee for a license as a dealer in firearms and/or ammunition shall

be $50, for a license as gunsmith, $50, and for a license as both, $75.

463. *Qualifications of dealer or gunsmith.* No license to engage in the business of gunsmith or of dealer in firearms and/or ammunition shall be issued to a person not over 21 years of age, and not a resident of the Virgin Islands and a citizen of the United States. When the applicant is a corporation, it shall be organized under the laws of the Virgin Islands, and if a partnership, all partners shall be residents of the Virgin Islands and citizens of the United States.

465. *Conditions for dealers' operations; records of transactions.* Any person, to whom a license has been issued under section 461 of this chapter may engage in the business of gunsmith or of dealer in firearms and/or ammunition under the following conditions.

3. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer or the latter clearly establishes his identity.

466. *Sales of weapons and ammunition without licenses prohibited; sales slips.* No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser any other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the dealer's coupon, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the coupon has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a firearm license.

476. *Collections of antique firearms; certificates of uselessness.* No provision hereof shall prevent that private collections of antique firearms, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of firearms kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Commissioner shall be necessary and he shall render such firearms useless, so that the same may not be used as such. The Commissioner shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any firearm not included in said certificate shall be subject to all the provisions hereof.

480. *False information forbidden in sale of weapons.* No person shall, in purchasing a firearm or in applying for any license or in making any report hereunder give or offer false or misleading information or offer false evidence of his identity.

481. *Alteration of identifying marks of weapons prohibited.* No person shall within the Virgin Islands change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same within the Virgin Islands: Provided, however, that nothing contained in this section shall apply to any officer or agent of the United States or the Government of the Virgin Islands engaged in experimental work.

485. *Regulations.* The Commissioner may issue, modify and amend, from time to time, such rules and regulations, not inconsistent with this chapter or the provisions of other law, which he may deem necessary or appropriate to carry out the purposes of this chapter, which rules and regulations, upon approval by the Governor, shall have the force and effect of law.

WASHINGTON

State Law

WASH. REV. CODE ANN. TITLE 9

9.40.110. *"Fire bombs"—Definitions.* For the purposes of RCW 9.40.110 through 9.40.-130, as now or hereafter amended, unless the context indicates otherwise:

(1) "Disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) "Incendiary device" means any material, substance, device, or combination thereof which is capable of supplying the initial ignition and/or fuel for a fire and is designed to be used as an instrument of wilful destruction. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be an incendiary device for purposes of this section.

9.40.120. *Penalty.* Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than twenty-five years.

9.40.130. *Exceptions.* RCW 9.40.120 shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by firemen, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120 shall not prohibit the manufacture or disposal of a fire bomb for the parties or purposes described in this section.

9.41.010. *Terms defined.* "Short firearm" or "pistol" as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

"Crime of violence" as used in RCW 9.41.-010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: "Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.

9.41.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Such person upon being convicted of a violation of this section shall be guilty of a felony and punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

9.41.080. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

9.41.090. *Sales regulated—Application to purchase—Grounds for denial.* In addition to the other requirements of RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and, when delivered, said pistol shall be securely wrapped and shall be unloaded

At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

9.41.093. *Exemptions.* The following shall be exempt from the provisions of section 9.41.090 RCW as now or hereinafter amended: sales by wholesalers to dealers; and the sale of antique pistols exempted by the provisions of RCW 9.41.150, as amended.

9.41.110. *Dealer's licenses, by whom granted and conditions thereof—Wholesale sales excepted—Permits prohibited.* The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the license subject to punishment as provided in RCW 9.41.010 through 9.41.160.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licenses and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of

the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of licenses; the triplicate the dealer shall retain for six years.

(5) This section shall not apply to sales at wholesale.

(6) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses.

(7) Except as provided in RCW 9.41.090 as now or hereinafter amended, every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.

9.41.130. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

9.41.140. *Alteration of identifying marks—Exceptions.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

9.41.150. *Exemptions.* RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.41.170. *Alien's license to carry firearms.* It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of motor vehicles, and such license is not to be issued by the director of motor vehicles except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

9.41.190. *Machine guns prohibited.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: Provided, however, That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

9.41.200. *Machine gun defined.* For the purpose of RCW 9.41.190 through 9.41.220 a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

9.41.240. *Use of firearms by minor.* No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes. Evey person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

WASH. REV. CODE ANN. TITLE 19

19.70.010. *Out-of-state purchasing authorized.* Residents of Washington may purchase rifles and shotguns in a state other than Washington: *Provided,* That such residents conform to the applicable provisions of the federal Gun Control Act of 1968, Title IV, Pub. L. 90-351 as administered by the United States Secretary of the Treasury: *And provided further,* That such residents are eligible to purchase or possess such weapons in Washington and in the state in which such purchase is made.

WASH. REV. CODE ANN. TITLE 26

Be it enacted by the Legislature of the State of Washington: 1. Sections 1, 3, and 4, chapter 126, Laws of 1895 as last amended by section 37, chapter 292, Laws of 1971 ex. sess. and RCW 26.28.080 are each amended to read as follows:

Every person who: * * *

(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol; *

Shall be guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another. * * *.

Aberdeen

4. It shall be unlawful for any person within the City of Aberdeen to sell, give away, loan or cause to be sold, given or loaned, to any minor under the age of 18 years, any gun, revolver, pistol or the cartridges therefor * * *.*

8. It shall be unlawful for any person who is not a citizen of the United States or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time within the City of Aberdeen any shotgun, rifle or other firearms without first having obtained a license from the Director of Licenses as provided by Section 9.41.160 RCW.

Auburn

7.04.360. *Short firearm and crime of violence defined.* "Short firearm" as used in Sections 7.04.370 through 7.04.530 means any firearm with a barrel less than twelve inches in length. "Crime of violence" as used in Sections 7.04.370 through 7.04.530 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

7.04.371. *Definitions.* The following words and phrases shall have the following meanings:

(1) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and so held as collector's items.

(2) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(3) "Fugutive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(4) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

7.04.372. *Pistol sale—Record sent to police chief.* It is unlawful for any merchant, business, or secondhand dealer, or any clerk, agent, representative or employee of any such merchant, business or secondhand dealer, to sell, give away, or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, or without completing a true record, in triplicate, of every pistol sold or disposed of. The written record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, date and place of birth of the purchaser, and a statement signed by the purchaser that he is not a fugitive from justice and that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy of the record shall within six hours after the signing be sent by registered mail to the chief of police, or in the alternative, may be personally delivered to the office of the chief of police within such period of time, and the chief of police, shall, within seventy-two hours, exclusive of Sundays and legal holidays, investigate the information contained in the record, and shall notify the merchant within such time period if the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter.

7.04.373. *Pistol sale—Waiting period required.* It is unlawful for any merchant, business, or secondhand dealer, or any clerk agent, representative or employee of any merchant, business or secondhand dealer, to deliver any pistol to any purchaser unless the merchant, business or secondhand dealer has mailed or personally delivered a copy of the record to the chief of police as required by Section 7.04.372 and the seventy-two hour waiting period after delivery of the notice as provided in Section 7.04.372 has expired without the receipt of a notice from the

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

chief of police that the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter, provided that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers as specified in RCW 9.41.060.

7.04.374. *Pistol purchase forbidden to convicted persons.* It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol, in the city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

7.04.380. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

Bellevue

7.28.010. *Definitions.* "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than 12 inches in length. "Crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, riot, mayhem, first-degree assault, second-degree assault, robbery, burglary, and kidnaping.

7.28.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a mental institution shall own a pistol or have one in his possession or under his control.

7.28.080. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

7.28.090. (2) No seller shall deliver a pistol to the purchaser thereof until 72 hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, said pistol shall be securely wrapped and shall be unloaded. * * *. This section shall not apply to sales at wholesale.

7.28.100. *Pistol dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

7.28.120. *Alteration of identifying marks on pistol prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

7.28.130. *False information in obtaining pistol.* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

7.28.150. *Machine guns prohibited.* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

7.28.160. *Machine gun defined.* For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

7.28.170. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

Bellingham

17.32.040. *Sale to minor prohibited.* The sale, giving away or other disposition of any revolver or pistol or any ammunition for same to persons under the age of 18 years in the City of Bellingham, be, and hereby is, prohibited.*

Bothell

10.1. *Firearm defined.* The word firearm shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or spring, or similar device.

10.2. *Dangerous weapon defined.* The word dangerous weapon shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or through the contraction or expansion of any rubber band or spring, or similar device, and shall include compressed air rifles and pistols and slingshots.

10.3. *Pistol defined.* The word pistol as used in this ordinance means any firearm with a barrel less than twelve (12) inches in length.

10.4. *Certain persons forbidden to possess firearms.* No person who has been convicted in this state of elsewhere of a crime of violence, shall own a firearm or have one in his possession or under his control.

10.7. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10.9. *Sale of cartridge, ammunition or gunpowder forbidden to certain minors.* No person shall give, sell, or otherwise make available to any minor under the age of 16 years any cartridge or ammunition for firearms or the ingredients thereof: Provided that this section shall not apply to a parent or guardian who provides such minor with ammunition for a use which is lawful.

10.12. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof unless said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, birthplace, the date and hour of application, the calibre, make, model and manufacturers number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller, within 6 hours after such application is made, shall sign and attach his addres and forward by registered mail or deliver by hand one copy of such statement to the Chief of Police; and the duplicate duly signed by the seller shall within 7 days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.13. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

10.14. *Certain transfers forbidden.* No person other than a duly licensed dealer shall make any loan secured by mortgage, deposit, or pledge of a firearm for a loan. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another known, or with reasonable knowledge believed, to have suicidal tendencies, or otherwise deliver a pistol contrary to the provision of this ordinance.

10.15. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

10.16. *False information forbidden.* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity or address.

10.17. *Exceptions.* This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

10.18. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of a police officer to seize said machine gun, or parts thereof.

Buckley

10.40.010. *Definitions.* The term "crimes of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping. "Short firearm," as used in this chapter, means any firearm with a barrel less than twelve inches in length.

10.40.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

10.40.080. *Delivery restricted.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been con-

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

victed of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10.40.090. *Selling.* In addition to the other requirements of RCW Sections 9.40.010 through 9.41.150, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours have elapsed from the time of the application for the purchase thereof as provided herein, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that he had never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The seller, shall, by the end of the business day, sign and attach his address and deliver the original of such application to the town marshal or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter unless the seller is notified in writing by the town marshal or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind. The town marshal or the county sheriff shall maintain a file containg the original of the application to purchase a pistol.

10.40.100. *Pistol dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110 and 18 U.S.C. Sec. 923.

10.40.110. *Dealer loans—Transfer of pistols.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

10.40.120. *Altering pistol identification.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark has been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

10.40.130. *False information in obtaining pistol.* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

10.40.140. *Antique pistols excepted.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

10.40.150. *Machine guns prohibited.* It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state.

10.40.160. *Machine gun defined.* For the purpose of this chapter "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

10.40.170. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are declared to be contraband, and it shall be the duty of all police officers to seize said machine guns, or parts thereof, wherever and whenever found.

Camas

6.12.010. *Giving to minors under eighteen or intoxicated persons prohibited.* It shall be unlawful for any person, persons, firm or corporation, to sell, barter, exchange, give or otherwise dispose of any firearm or dangerous explosive, to any minor under the age of eighteen (18) years, or to any person in an intoxicated condition within the city limits of the City of Camas, Washington.*

Centralia

5.96.010. *License to sell required.* Any person engaging in the business of selling or offering to sell any pistol, revolver, derringer, bowie knife, or other weapon of like character that can be concealed on the person, shall first obtain a license as a dealer in deadly weapons or firearms, and it shall be unlawful for any person licensed, to sell or give away any such weapon without reporting the sale or gift in the manner provided in Section 5.96.040, and to sell or give away any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon as herein provided.

5.96.020. *Permit required for purchase.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of the person desiring the permit. The chief of police may, at his discretion, require a recommendation that the permit shall be issued, from two persons who shall be known to the chief of police as persons of good reputation and residents of the city for at least one year.

5.96.030. *Persons prohibited from purchase.* It shall be the duty of the chief of police to refuse such permit to:

(1) All persons having been convicted of any felony;

(2) All vagabonds;

(3) All minors; otherwise it shall be the duty of the chief of police to grant such permit.*

Chelan

27. *Minors, * * * selling * * * firearm to.* Every person who: 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, or pistol, shall be guilty of a misdemeanor.*

Des Moines

41. *Certain persons forbidden to possess arms.* No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

46. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

47. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until 72 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped, and shall be unloaded.

53. *Machine guns—Prohibition.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

54. *Machine gun defined.* For the purpose of this Ordinance a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

55. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possesed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

Everett

4.23.010. *License—Required.* It shall be unlawful for any person, firm or corporation engaged in the business of selling or disposing of short firearms to sell or give away to any person within the City of Everett any pistol, revolver or short firearm or weapon of like character which can be concealed on the person without securing a license so to do as hereafter provided from the City of Everett and the State of Washington.

4.23.020. *Dealer's license—Required.* Any person, firm or corporation engaged in the business of selling or disposing of pistols, revolvers or short firearms shall first secure and have in his or its possession and in full force and effect a dealer's license issued by the City of Everett and a dealer's license as provided by R.C.W. 9.41.110 of the laws of the State of Washington.

6.14.010. *Sale to persons under sixteen—Unlawful.* It shall be unlawful for any person or persons to sell or offer for sale any revolver, pistol or toy pistol, within this City, and every person who shall sell, give,

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

furnish or cause to be furnished to any person under the age of 16 years, any revolver, pistol, toy pistol, or other pocket weapon in which explosives may be used, shall be deemed guilty of a misdeamonor, * * *."

6.22.010. *Identification required—Investigation.* It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless (1) the person is personally known to the seller or shall present clear evidence of his identity, and (2) unless the merchant or secondhand dealer shall complete a true record in triplicate of every pistol sold or disposed of and submit the record to the chief of police of the city of Everett. One copy shall be sent by registered mail to the chief of police of the city of Everett on the same date as the record is completed. The chief of police of the city of Everett, shall within seventy-two hours, exclusive of Saturdays, Sundays and holidays, investigate the information contained in the record.

6.22.020. *Delivery regulations.* It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealers to deliver any pistol to any purchaser within seventy-two hours exclusive of Saturdays, Sundays or holidays after the dealer has mailed a copy of the complete record in accordance with Section 6.22.010. Also it is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any person known by the merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer, to be a person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution. * * * This section shall not apply to sales at wholesale or to sales to law enforcement officers.

6.22.030. *Prohibited purchasers.* It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or who has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Fircrest

9.24.040. *Possession of arms—Certain persons prohibited.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. The term "crime of violence" as used in this penal code means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

9.24.070. *Delivery to minors and addicts.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or habitual drunkard or of unsound mind.

9.24.120. *Exceptions.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

9.24.130. *Machine guns.* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine guns, provided, however, that such limitation shall not apply to any police officer in the discharge of official duty.

9.24.140. *Machine gun defined.* For the purpose of this penal code a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, sub-machine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at a rate of five or more shots per second.

9.24.150. *Machine guns or parts contraband.* All machine guns or parts thereof, illegally held or possessed are hereby declared to be contraband.

Kennewick

10.24.050. *Sale to minors prohibited.* It is unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

King County

1. The following words and phrases used herein shall be construed as follows: (a) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

(b) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

2. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. * * * One copy shall within six hours be sent by registered mail to the Sheriff of King County who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

3. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the Sheriff that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the Sheriff within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the Sheriff as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

4. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

8.40.020. *Supplying firearms or ammunition to minor unlawful.* It is unlawful for any person in King County, state of Washington, outside the boundaries of incorporated cities and towns within King County, to sell, barter, hire, loan or give, or permit to be sold, bartered, hired, loaned or given to any minor under the age of twenty-one years, any revolver, pistol or similar firearm or any ammunition for the same.

Kirkland

11.28.030. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

11.28.120. *Pistol—delivery to purchaser.* In addition to the other requirements of Sections 11.28.110 through 11.28.180, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

11.28.130. *Pistol—purchasing—information required—procedure.* At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or has never been legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the city. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter, unless the seller is notified in writing by the chief of police of the city of denial. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere, of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The chief of police for the city shall maintain a file containing the original of the application to purchase a pistol.

11.28.150. *Pistol—dealer—license required.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as a dealer pursuant to RCW Chapter 9.41.

11.28.170. *Possession of firearms by prohibited persons unlawful.* It is unlawful for any person prohibited from possessing a firearm (as therein defined) under Title VII of the "Omnibus Crime Control and

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

Safe Streets Act of 1968" as amended by Title III of the "Gun Control Act of 1968" (Sections 1201 through 1203 inclusive) to possess such a firearm within the corporate limits of the city.

11.28.180. *Noncitizens—license required.* It is unlawful for any person subject to the licensing requirements of RCW 9.41.170 relating to noncitizens of the United States to carry or possess any shotgun, rifle or other firearm without first obtaining such license.

Longview

15-4. *Possession by convicted persons.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

15-7. *Delivery of minors and certain other persons.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

15-8. *Sales by dealers.* Sales by dealers shall be regulated as hereinafter provided: (a) The City Clerk of said city shall grant licenses in forms prescribed by the Washington State Director of Licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and upon conviction of any such breach the licensee shall be deemed guilty of a misdemeanor and punished as provided in Sec. 1-8 of this Code of Ordinances. (1) The business shall be carried on only in the building designated in the license. (2) The license or copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read. (3) No pistol shall be sold (a) in violation of any provisions of this Chapter, nor, (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

15-9. *Dealer's license.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any short firearm without being licensed as provided by law.

15-12. *Alteration of identifying marks.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

15-13. *Antiques; excepted.* This Chapter shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

15-15. *Machine guns—Defined.* A machine gun is herein defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

15-16. *Same—Prohibited.* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

Lynwood

10.04.360. *Crime of violence defined.* The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

10.04.370. *Firearm defined.* The word "firearm" shall include but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

10.04.400. *Persons convicted of crimes of violence not to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

10.04.450. *Delivery to minors and certain other persons.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

10.04.460. *Use of firearms by minor.* No minor under the age of sixteen years shall handle or have in his possession, or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind, for hunting or target practice, or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such party to violate the same, shall be guilty of a misdemeanor.

10.04.470. *Regulating sales—Purchaser's statement.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, birthplace, the date and hour of application, the calibre, make, model and manufacturer's number of the pistol to be purchased and statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller within six hours after such application, shall sign and attach his address and forward by registered mail one copy of such statement to the chief of police; and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.04.480. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

10.04.490. *Certain transfers of weapons prohibited.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan. He shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

10.04.500. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

10.04.510. *Purchasing weapon by use of false information.* Any person who shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity shall be guilty of a misdemeanor.

10.04.520. *Antique pistols excepted.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Marysville

6.64.010. *Definitions. Short firearm, pistol.* The term "short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length. *Crime of violence.* The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnaping.

6.64.040. *Convicted persons.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

6.64.080. *Prohibited pistol delivery.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6.64.090. *Commercial sales of pistols—records.* The chief of police shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue, permitting the licensee to sell pistols within this city * * *.

6.64.100. *Pistol dealers—license required.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

6.64.110. *Prohibited transfer of pistols.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawn-brokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

6.64.120. *Pistol identifying mark alteration.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have

been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

6.64.140. *Unusable pistols.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

6.64.150. *Machine guns prohibited.* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

6.64.160. *Machine gun defined.* For the purpose of this chapter a "machine gun" is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separate mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

Mercer Island

7.505.07. *Certain acts prohibited—belief minor in representative capacity, no defense—penalty, Every person who:* * * *:

5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years any revolver or pistol, shall be guilty of a misdemeanor.*

Mountlake Terrace

5.07.010. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a firearm or have one in his possession under his control.

5.07.014. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

5.07.015. *Sales regulated.* It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. * * * One copy shall within six hours be sent by registered mail to the chief of police of the City of Mountlake Terrace who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

5.07.0151. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, nor an offense involving narcotics nor of repeated drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

5.07.0152. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or an offense involving narcotics or of repeated drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

5.07.016. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

5.07.017. *Certain transfers forbidden.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge for a loan. * * * No person shall lend or give a firearm to another known, or with reasonable knowledge believed to have suicidal tendencies or otherwise deliver a pistol contrary to the provisions of this ordinance.

5.07.018. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

5.07.019. *False information forbidden.* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

5.07.020. *Exceptions.* This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

5.07.021. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

5.07.022. *Dangerous weapons—evidence.* Every person who shall manufacture, sell or dispose of or have in his possession any instrument or weapon of the kind usually known as sling shot, sand club, zipgun, or metal knuckles; shall furtively carry, or conceal any dagger, dirk, knife, or other dangerous weapon or firearm; or who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor.

5.07.023. *Definitions.* The word firearm shall include but be not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

Ocean Shores

7.28.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

7.28.080. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.28.090. *Pistol sales regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, * * *.

7.28.100. *Pistol dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

7.28.110. *Certain transfers of pistols forbidden.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock or pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

7.28.120. *Alteration of identifying marks on pistol prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

7.28.140. *Exceptions for unusable pistols.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

7.28.150. *Machine guns prohibited.* It shall be unlawful for any person to manufacture, own, buy, sell loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

7.28.160. *Machine gun defined.* For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

Olympia

9.41.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

of violence, shall own a pistol or have one in his possession or under his control. * * *.

9.41.080. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

9.41.090. *Sales regulated—application to purchase—grounds for denial.* In addition to the other requirements of RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof * * *.

9.41.093. *Exemptions.* The following shall be exempt from the provisions of RCW 9.41.090 as now or hereinafter amended: sales by wholesalers to dealers; and the sale of antique pistols exempted by the provisions of RCW 9.41.150, as amended.

9.41.100. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

9.41.120. *Certain transfers forbidden.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

9.41.140. *Alteration of identifying marks—exceptions.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

9.41.150. *Exemptions.* RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.41.170. *Alien's license to carry firearms—exception.* It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of motor vehicles, and such license is not to be issued by the director of motor vehicles except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: *Provided,* That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. * * *.

9.41.190. *Machine guns prohibited.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: *Provided, however,* That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

9.41.200 *Machine gun defined.* For the purpose of RCW 9.41.190 through 9.41.220 a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

Pasco

9.24.060. *Selling revolvers and pistols to minors.* It is unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.*

Raymond

5.04.010. *Unlawful to sell firearms or air rifles to minors.* It shall be unlawful for any person, firm or corporation to sell any firearms or air rifles, or B. B. guns to minors.

Renton

5–15. *Machine guns—Prohibition.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun: Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

5–16. *Machine gun defined.* For the purpose of this Ordinance a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

5–17. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

2424–I: The following words and phrases used herein shall have the following meanings, to-wit: A. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and so held as collector's items.

B. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

C. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

D. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

2424–II: It is unlawful for any merchant, business, or second-hand dealer, or any clerk, agent, representative or employee of any such merchant, business, or second-hand dealer, to sell, give away, or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record, in triplicate, of every pistol sold or disposed of. * * *. One copy of such record shall within six (6) hours after the signing thereof be sent by registered mail to the Chief of Police of the City of Renton, or in the alternative, may be personally delivered to the office of the Chief of Police within said period of time, and the Chief of Police shall, within seventy two (72) hours, exclusive of Sundays and Legal Holidays, investigate the information contained in said record, and report his findings to the merchant, business or second-hand dealer.

2424–III: It is unlawful for any merchant, business, or second-hand dealer, or any clerk, agent, representative or employee of any merchant, buiness or second-hand dealer, to deliver any pistol to any purchaser until said merchant, business, second-hand dealer has received a report from the Chief of Police that said purchaser is not a fugitive from justice and has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction, or habitual drunkenness and has never been confined to a mental institution; provided that if such merchant, business or second-hand dealer does not receive such report from the Chief of Police within seventy-two (72) hours, exclusive of Sundays and Legal Holidays, after he has mailed or personally delivered a copy of the record to the Chief of Police as required by Section II, then such merchant, business or second-hand dealer may deliver the pistol to the purchaser; provided further that this Section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers as specified in RCW 9.41.060.

2424–IV: It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in the City of Renton, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Richland

9.04.280. *Selling, etc., of revolvers and pistols to minors less than eighteen.* It shall be unlawful for any person within the city to sell, give, or permit to be sold or given

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

to any person under the age of eighteen years, any revolver or pistol.*

Seattle

12.43.010. *Definitions.* The following words and phrases used herein shall be construed as follows: (a) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items;

(b) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping;

(c) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest;

(d) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

12.43.020. *Procedure for sale.* It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he is not a fugitive from justice and that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the city of Seattle who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

12.43.030. *Delivery to purchaser.* It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until the merchant or secondhand dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 12.43.020, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

12.43.040. *Unlawful for certain persons to purchase.* It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

12.43.050. *Penalty for violation.* Any person violating or failing to comply with any of the provisions of this chapter shall upon conviction thereof be fined in a sum not to exceed five hundred dollars or imprisoned in the city jail for a term not exceeding one hundred eighty days, or both so fined and imprisoned.

3. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

4. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

5. Any person violating or failing to comply with any of the provisions of this ordinance shall upon conviction thereof be fined in a sum not to exceed five hundred dollars or imprisoned in the city jail for a term not exceeding one hundred eighty days, or both so fined and imprisoned.

Snohomish

9.04.360. *Selling, etc., of revolvers and pistols to minors.* It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

Spokane

20. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

25. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. * * *. This section shall not apply to sales at wholesale.

30. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

35. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such marks shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same; Provided, that this section shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments

45. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

46. *Unlawful to manufacture, sell or possess certain weapons or to use silencer on firearms.* No person shall manufacture, sell, dispose of or have in his possession any instrument or weapon of any kind usually known as slung shot, sand club, metal knuckles, spring-blade knife or any knife the blade of which is automatically released by a spring mechanism or other mechanical device; or furtively carry or conceal any dagger, dirk, knife or other dangerous weapon; or use any contrivance or device for suppressing the noise of any firearm.

Spokane County

6.05.050. *Persons prohibited from owning or possessing pistol.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

6.05.050. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

6.05.070. *Giving of false information prohibited.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

6.05.080. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same; PROVIDED, this section shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

6.05.090. *Delivery to minors and others prohibited.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

Tacoma

8.66.030. *Sale to minors under eighteen.* No person shall, within the City of Tacoma, sell, give or loan, or cause to be sold, given or loaned, to any minor under the age of eighteen years, any gun, revolver, pistol, toy

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

pistol, or the cartridges therefor, or any dirk, dagger, knuckles, slingshot, or other deadly weapon. Every person violating this section shall be deemed guilty of a misdemeanor and fined in a sum not exceeding one hundred dollars; and it shall be no defense to a prosecution for a violation of this section that the minor acted or was believed by the defendant to act as the agent or representative of another.*

8.66.080. *Definitions.* The following words and phrases used in Sections 8.66.080 to 8.66.120, inclusive, shall be construed as follows:

1. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

2. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

3. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

4. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

8.66.090. *Records required before sale.* It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. * * *. One copy shall within six hours be sent by registered mail to the chief of police of the City of Tacoma who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

8.66.100. *Delivery prohibited prior to receipt of records.* It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 8.66.090, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

8.66.110. *Sales prohibited to certain persons.* It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Yakima

8.28.010. *Use by minors.* No person under the age of twenty-one years shall be issued a county license for the possession and use of a handgun or pistol. Persons twenty-one years of age or over may be issued licenses for handguns and pistols subject to RCW 9.41.070.

WEST VIRGINIA

State Law

W. VA. CODE ANN.

61-3-8. *Prohibitions as to molotov cocktails; penalty.* It shall be unlawful for any person to make, carry, possess, sell, give or use any type of incendiary device, commonly known as a molotov cocktail, which is hereby defined to mean a makeshift incendiary bomb made of a breakable container filled with flammable liquid and provided with a wick composed of any substance capable of bringing a flame into contact with the liquid, but is not intended to mean a device commercially manufactured primarily for the purpose of illumination, or other such use.

Any person who shall violate any provision of this section shall be guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than one year nor more than five years.

The possession, sale or control by a person or persons of any such device or container containing flammable liquid is prima facie evidence of a violation of this section.

61-6-1a. *Control of riots and unlawful assemblages.* Members of the department of public safety, sheriffs and mayors, and those acting under their order, may, when engaged in suppressing a riot, rout or unlawful assemblage, cordon off any area or areas threatened by such riot, rout or unlawful assemblage, and may take all actions which are necessary and reasonable under the emergency to restore law and order, and such actions may be, but are not limited to, the following:

(a) Prohibit the sale, offering for sale, dispensing, furnishing or transportation of firearms or other dangerous weapons, ammunition, dynamite or other dangerous explosives in, to or from such areas.

(b) Prohibit the sale, offering for sale, dispensing, furnishing or consumption of alcoholic beverages or nonintoxicating beer in a public place in such areas, and prohibit the transportation of alcoholic beverages or nonintoxicating beer in, to or from such areas.

(c) Impose curfews, as required, to control movement of persons in, to and from such areas.

(d) Enter a private dwelling or other building or other private place in such areas when in fresh pursuit of a rioter, when in search of a sniper who has fired upon a person from such a dwelling or other building or place or when in search of firearms, other dangerous weapons, ammunition, dynamite or other dangerous explosives when there is reason to believe that such items are stored in the said dwelling, building or place and that they will be removed therefrom before a search warrant could be obtained.

No person shall willfully fail to obey a lawful order of any mayor, sheriff, deputy sheriff, municipal police officer, member of the department of public safety, or other officer, given pursuant to this section.

Any person who violates an order given pursuant to the authority of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months, or both fined and imprisoned.

61-7-8. *Possession of machine guns, high-powered rifles, or ammunition therefor; permits; aliens may not possess firearms.* It shall be unlawful for any person to carry, transport, or have in his possession, any machine gun, sub-machine gun, or what is commonly known as a high-powered rifle, or any gun of similar kind or character, or any ammunition therefor, except on his own premises or premises leased to him for a fixed term, until such person shall have first obtained a permit from the superintendent of the department of public safety of this State, and approved by the governor, or until a license therefor shall have been obtained from the circuit court as in the case of pistols, and all such licenses, together with the numbers identifying such rifles, shall be certified to the superintendent of the department of public safety: Provided, that nothing herein contained shall prevent the use of rifles by bona fide rifle club members who are freeholders or tenants for a fixed term in this State, at their usual or customary place of practice, or licensed hunters in the actual hunting of game animals. No such permit shall be granted by said superintendent except in cases of riot, public danger, and emergency, until such applicant shall have filed his written application with said superintendent, in accordance with the rules and regulations that may be from time to time prescribed by said department of public safety relative thereto, which application shall be accompanied by a fee of two dollars to be used in defraying the expense of issuing such permit, and such application shall contain the same provisions as are required to be shown under the provisions of section two [§ 61-7-2] of this article, by applicants for pistol license, and shall be duly verified by such applicant, and at least one other reputable citizen of this State. Any such permit as granted under the provisions of this section may be revoked by the governor at his pleasure, and upon the revocation of any such permit, the department of public safety shall immediately seize and take possession of any such machine gun, sub-machine gun, high-powered rifle, or gun of similar kind and character, held by reason of such permit, and any and all ammunition therefor; and the department of public safety shall also confiscate any such machine gun, sub-machine gun, and what is commonly known as a high-powered rifle, or any gun of similar kind and character, and any and all ammunition therefor, so owned, carried, transported or possessed contrary to the provisions of this section, and shall safely store and keep the same, subject to the order of the governor.

No alien shall own, keep or possess any firearm of any kind or character.

61-7-9. *Display of dangerous weapons for sale or hire; sale to unnaturalized person; penalties for violation of this section or 61-7-8.* It shall be unlawful for any person, firm or corporation to place or keep on public display to passersby on the streets, roads or alleys, for rent or sale, any revolver, pistol, dirk, bowie knife, slung shot, or other dan-

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

gerous weapons of like kind or character or any machine gun, sub-macihne gun or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber, and report the same at once in writing to the superintendent of the department of public safety. It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in this article to an unnaturalized person.

61–7–14. *Purchase of firearms in contiguous state.* Any resident of this State, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle, shotgun or any other legal firearm, or any part thereof, in this State, may purchase the same in a state contiguous to this State and transport or receive the same into this State provided the sale meets the lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer or private collector.

Beckley

25–3. *Sale or rental of weapons to minors under eighteen.* It shall be unlawful for any person to rent or sell any machine gun, high-powered rifle or any gun of similar kind or character, or revolver, pistol, dirk, bowie knife or other dangerous weapon of like kind or character, or any ammunition for any such weapon, to any person under the age of eighteen years, unless at the time of such rental or sale such minor shall be accompanied by his parents, or one of them, or by the minor's legal guardian.*

Benwood

210.02. *Selling or giving to minors.* No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol, dirk, bowie knife, switch blade knife, slingshot, razor, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character.

210.06. *Sale to person not holding permit.* No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other firearms of the kind described in Section 210.05, to any person who is not the holder of a written permit, bearing the signature of the Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

210.07. *Purchase without permit.* No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 210.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

210.13. *Exceptions.* Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

Charleston

7. *Sale of firearms, fireworks or explosives to children.* No person shall sell to any child under the age of sixteen years firearms, gunpowder, gun caps as defined under W. Va. Code, Ch. 29, Art. 3, Section 28, fireworks or other explosives, in any quantity.*

Clarksburg

17–72. *Same—Sale to persons under sixteen years of age; sale of explosives to persons under sixteen prohibited.* It shall be unlawful for any person to sell, offer or give to any child or children under the age of sixteen years, firearms, gunpowder, gun caps, fireworks or other explosives of like kind and character in any quantity whatever.*

Logan

15–4. *Sale, etc., to minor under sixteen of firearms or explosives.* It shall be unlawful for any person to sell or give to any minor under the age of sixteen years firearms or gunpowder or other explosives in any quantity.*

Martinsburg

35–5. *Display of dangerous weapons for sale or hire; sale to unnaturalized person.* * * *. It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in article 7, chapter 61, Michie's West Virginia Code, 1961, to an unnaturalized person.

Morgantown

31–8. *License—Required.* No person shall sell, offer for sale, display, rent or exchange any dangerous or deadly weapon, including, but not by way of limitation, any revolver, pistol, dirk, Bowie knife, sling shot, billies, metallic or false knuckles or other weapons of like kind within the city without first obtaining a license to engage in any such business.

31–15. *Sale, etc., to intoxicated persons, minors under eighteen, etc.* It shall be unlawful for any person or dealer licensed under this article to sell, loan or furnish any of the dangerous or deadly weapons mentioned and described in this article to any person under the influence of alcohol, or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years, or to an unnaturalized person.*

Moundsville

14–81. *Weapons.* The annual license fee to sell or offer for sale pistols, revolvers, dirks, slungshots, billies, bowie knives, metallic or other false knuckles, or other weapons of like kind, shall be ten dollars. No license shall be issued without the prior certification of the chief of police of the city.

Weirton

553.08 *Sale of arms to unnaturalized person or minor.* No person shall sell, rent, give or lend any of the arms mentioned in this article to any unnaturalized person and no person shall sell any of the arms mentioned in this article to any minor under the age of sixteen years.*

Wheeling

537.02 *Selling or giving to minors.* No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol, dirk, bowie knife, switch blade knife, slingshot, razor, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character.

537.05. *Sale, transfer of concealed weapons.* No person shall sell, lend, give away, exchange or transfer, or purchase, receive or accept any pistol, revolver or firearms of any kind whatsoever which is capable of being concealed on the person, except as authorized and provided by this article.

537.06. *Sale to person not holding permit.* No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other firearms of the kind described in Section 537.05, to any person who is not the holder of a written permit, bearing the signature of the Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

537.07. *Purchase without permit.* No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 537.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

537.10. *Vendor to demand permit from purchaser.* At the time of the sale or delivery of a pistol, revolver or other firearm of the kind described in Section 537.05, the vendor or transferor thereof shall demand of and receive from the purchaser or recipient of such pistol, revolver or other firearm, a permit, issued pursuant to the provisions of this article authorizing such purchaser or recipient to purchase or receive such pistol, revolver or other firearm.

537.13. *Exceptions.* Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

537.14. *False information.* No person shall give or issue any false information or data for the purpose of obtaining, or aiding and abetting another in obtaining, a pistol, revolver or other firearm of the kind described in Section 537.05 in violation of the terms and provisions of this article.

WISCONSIN

State Law

WISC. STATS. ANN.

164.01. *Definitions.* (1) "Machine gun" applies to and includes a weapon of any description by whatever name known from which more than two shots or bullets may be discharged by a single function of the firing device.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

164.03. *Possession for aggressive purpose.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than 10 years.

164.04. *Possession when presumed for aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(2) When in the possession of, or used by, an unnaturalized foreign-born person, or a person, who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(3) When the machine gun is of the kind described in section 164.08 and has not been registered as in said section required; or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been used or are susceptible of

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

use in the machine gun are found in the immediate vicinity thereof.

164.06. *Exceptions.* Nothing contained in this chapter shall prohibit or interfere with the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

164.08. *Owner to register machine gun.* Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered by the owner in the office of the secretary of state on May 15, 1933 and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the secretary of state, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any guns, as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

164.20. *Machine guns and other weapons; use in certain cases; penalty.* (1) No person shall sell, possess, use or transport any machine gun or other full automatic firearm, nor shall any person sell, possess, use or transport any bomb, hand grenade, projectile, shell or other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.

(2) Any person violating any of the provisions of this section shall be punished by imprisonment in the state prison for a term of not less than one year nor more than three years.

(3) The provisions of this section shall not apply to the sale, possession, use or transportation of any such weapons or containers to or by any national guardsman in line of duty, any civil enforcement officer of the state or of any city or county, or any person duly authorized by the chief of police of any city or the sheriff of any county to sell, possess, use or transport such weapons or containers; nor shall the restriction on transportation apply to common carriers.

175.30. *Purchase of firearms in contiguous states permitted.* It is lawful for a resident of this state or a corporation or other business entity maintaining a place of business in this state to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state if the transfer complies with federal law and the laws of both states.

939.22. *Words and phrases defined.* In the criminal code, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

(10) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

941.22. *Possession of pistol by minor.* (1) Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor may be fined not more than $500 or imprisoned not more than one year in county jail or both.

(4) In this section "pistol" means any firearm having a barrel less than 12 inches long.

943.06. *Molotov cocktails.* (1) As used in this section, "fire bomb" means a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but does not mean a device commercially manufactured primarily for the purpose of illumination.

(2) Whoever possesses, manufactures, sells, offers for sale, gives or transfers a fire bomb may be fined not more than $500 or imprisoned not more than 6 months or both.

(3) This section shall not prohibit the authorized use or possession of any such device by a member of the armed forces or by firemen or law enforcement officers.

Appleton

8.01. (4) *Sale of dangerous weapons to minors prohibited.* No person shall buy for, sell or give away to any minor any dangerous weapon except household purpose knives or knives having blades less than 3 inches long without first having obtained the written consent of the parent or guardian of such minor. The term "dangerous weapon" shall mean and include the following instruments: blackjack, billy, sandclub, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon in which loaded or blank cartridges are used, crossknuckles of any metal, barbed or blade type bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by a slight pressure on the handle or some other part of the knife and is commonly known as a switch knife, or straight-edge razor or any other knife having a blade 3 inches or longer.

Beloit

(3) No person shall sell any firearm, blackjack, billy, bludgeon, cross-knuckles, knuckles of any metal, bowie knife, dirk-knife, dirk dagger or switch blade knife, or loan such items to any minor within the City.

Cudahy

954–1. *It shall be unlawful for any person under the age of eighteen* (18) to purchase any blackjack, billy, bludgeon, metal knuckles, revolver or pistol upon which any loaded or blank cartridges are used. Every person who deals in dangerous weapons or guns shall keep a record of sales of such dangerous weapons or guns, which records shall have the name, address, date of birth, identification number of the weapon or gun and a signed statement by the purchaser that he is the individual making the purchase and that the information contained in the statement is true and correct. The record shall also show whether or not the purchase is for the individual or as a gift to another. No sale shall be made to persons having been convicted of a felony.*

15.07. *Use of fire bombs and other similar devices.* (1) No person shall make, carry possess, sell, give, or use any type of "Molotov Cocktail", which is defined to mean a flammable liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

Glendale

24.20. *Making, possession, transfer or use of fire bombs and other similar devices.* (a) No person shall make, carry, possess, sell, give, transfer to another or use any type of fire or explosive creating device which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

Hales Corners

14.01. (1) *Definitions: Dangerous weapon.* The term "dangerous weapon" shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles of any metal, barbed or blade type arrowhead, bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight-edge razor or any other knife having a blade 3 inches or longer. Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

(3) *License for sale of weapons.* (a) No person shall engage in the business of buying or selling, or shall sell or give away to any person, or buy or receive of any person, within the Village, any weapon listed or defined as dangerous, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, straight-edge razors, household purpose knives, any knife having a blade less than 3 inches, or instruments necessary to certain trades, crafts, professions, or sports, without securing a license to do so, and no person having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon.

(4) *Selling weapons to minors prohibited.* No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, except household purpose knives or knives having blades less than 3 inches.

(6) *Permit required for purchase of dangerous weapons.* No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle, or shotgun used for hunting purposes, air rifle, weapon used solely for target practice purposes, sporting goods, as hereinbefore defined.

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

straight-edge razors, household purpose knives, any knife having a blade less than 3 inches, or instruments necessary to certain trades, crafts, professions or sports. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of any person desiring such permit.

Kenosha

11.02–R. *Possession or use of fire bombs and other similar devices.* (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

11.06. *Dangerous weapons.* B. "Sale Forbidden". No person shall sell, loan or give away any gun, pistol, revolver or other dangerous or deadly weapon to any minor or intoxicated person.

Madison

25.01. *Sale of firearms.* (1) Definition: For the purpose of this section: (a) "Firearm." The term "firearm" means a shotgun or a rifle or any weapon made from a rifle or shotgun (modification or otherwise) or any other weapon, including a pistol or revolver, from which a shot is discharged by an explosive or propellant, but not including a stud gun when used for its intended purpose. (b) "Rifle." The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire only a single projectile through a rifle bore for each single pull of the trigger. (c) "Shotgun." The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.*

(4) No person under eighteen (18) years of age shall go armed with a pistol or revolver and no person shall intentionally sell, loan or give a pistol or revolver to any person under eighteen (18) years of age. This subsection does not apply to a person, under eighteen (18) years of age who is armed with a pistol or revolver when such pistol or revolver is used in target practice under supervision of an adult nor does it apply to an adult who transfers a pistol or revolver to a person under eighteen (18) years of age for use only in target practice under his direct supervision.

(5) No person under the age of eighteen (18) shall go armed with a firearm of any type nor a pneumatic pellet gun and no person under the age of eighteen (18) years shall have in his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm or pneumatic pellet gun or ammunition therefor to any person under the age of eighteen (18) years. This subsection shall not apply to anyone under eighteen (18) years of age who is armed with a firearm under the supervision of an adult when such firearm is being used in target practice or hunting, nor does it apply to an adult who transfers a firearm to a person under eighteen (18) years of age for use only in target practice or any hunting under his direct supervision.

(6) Notwithstanding any other provision of this section to the contrary, this section shall not apply to any person, firm, association or corporation acting under the control and at the direction of the state of Wisconsin or the United States Government.

Menomonee Falls

10.01 (1) (i) *Sale to Minors.* No person shall sell or give away any firearm, rifle, shotgun, spring gun, air gun, pneumatic pellet gun, or any instrument which impels a missile or pellet by compressed air or gas, spring or other means, or ammunition therefor, to any person under the age of 18 years.*

Middleton

16.01–(b) *Possession of Ammunition and sale to minors.* No minor person under the age of 18 years shall have in his possession any ammunition for any firearm, rifle, spring gun, air gun or pneumatic pellet gun. No person shall intentionally sell or give away any firearm, rifle, spring gun, air gun or pneumatic pellet gun, or ammunition therefor, to any person under the age of 18 years.

Milwaukee

105.34. *Definition.* The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles, knuckles of any metal, barbed or blade type, arrowhead, bowie knife, dirk knife, dirk dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight-edge razor or any other knife having a blade three inches or longer. Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

105–34.4. *Use of fire bombs prohibited.* (1) No person shall make, carry, possess, sell, give, or use any type of "Molotov Cocktail," which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb, or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

105.43. *License for sale of weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous in Section 105–34, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, straight-edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions, or sports, without securing a license so to do as provided in Section 105–44, and no person, firm, or corporation having such license shall sell or give away any such weapon to any person within the city who has not secured a permit from the chief of police to purchase such weapon in the manner provided in Section 105–46. It is the intent of this section that no permit to purchase or no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further interest in the commonly accepted fields of sport.

105.43.5. *Unlawful to sell weapons to minors.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of 18 any weapon listed or defined as dangerous in Section 105–34, except household purpose knives or knives having blades less than three inches.

105.46. *Permit required for purchase of dangerous weapon.* It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in Section 105–34, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, sporting goods as defined in Section 105–43, straight-edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions or sports. * * * No person shall mutilate a shotgun or rifle or destroy the identification marks of any firearm. No shotgun or rifle shall be shortened to barrell length of less than 18 inches nor shall anyone remove the serial number from any weapon.

Oshkosh

18–24. *Furnishing firearms to minors prohibited.* No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm within the city.*

Port Washington

9.11. *Sale of weapons.* (1) *License required.* No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any blackjack, slingshot, billy, sandclub, sandbag, bludgeon, metal knuckles, revolver, pistol, air rifle or other instrument or weapon which uses loaded or blank cartridges, except rifles and shotguns used for hunting purposes, without securing a license so to do as herein provided, and no person having such license shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police * * *.

(5). *Permit to purchase.* No person shall purchase or possess any of the weapons or articles enumerated in subsection (1) until he has obtained a permit for such purpose from the Chief of Police.

Racine

25.06. *Dangerous or concealed weapons.* (2) The term "dangerous weapon" means any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross knuckles, knuckles of any metal, barbed or blade type, arrowhead, bowie knife, dirk knife, dirk dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straightedge razor or any other knife having a blade three inches or longer. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

(5) No person shall engage in the business of buying or selling, or sell or give away to any minor under the age of 18, any dangerous weapon, except household purpose knives or knives having blades less than 3 inches.*

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

25.41 *Possession or use of fire bombs and other similar devices.* (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

(3) The provisions of paragraphs 1 and 2 of this Section shall not apply to any device used in any training program authorized by the Chief of the Racine Fire Department or the Chief of the Racine Police Department, nor to any person engaged in such an authorized training program while so engaged.

Shorewood

13-601. *Definition.* The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, slingshot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles, knuckles of any metal, barbed or blade type arrowhead, bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight edge razor or any other knife having a blade three (3) inches or longer. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

13-604. *Permit required for purchase of dangerous weapons.* (1) It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the Chief of Police a permit so to do, any weapons listed or defined as dangerous in Section 13-601 except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, sporting goods, as defined in Section 13-605, straight edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions or sports. * * *

(3) No person shall mutilate a shotgun or rifle or destroy the identification marks on any firearm. No shotgun or rifle shall be shortened to barrel length of less than 18 inches nor shall anyone remove the serial number from any weapon.

13-605. *License for sale of weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous in Section 13-601, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, straight edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions, or sports, without securing a license so to do as provided in Section 13-607, and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner provided in Section 13-604.

13-606. *Unlawful to sell to minors.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor, any weapon listed or defined as dangerous in Section 13-601, except household purpose knives or knives having blades less than three inches.

13-610. *Possession of pistol by minor.* (a) It shall be unlawful for a minor to be armed with a pistol or for any person to intentionally sell, load or give a pistol to a minor.*

(d) In this Section, "pistol" means any firearm having a barrel less than twelve (12) inches long.

Stevens Point

17.01(1)(b) *Firearms to minors.* No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm within the city.*

Wauwatosa

6.06. *Sale and use of dangerous weapons and guns.* (1) Definitions. In this section, unless the context otherwise requires: "Dangerous Weapon," means any blackjack, slingshot, billy, sandclub, sandbag, bludgeon, metal knuckles, any knife having a blade of 3 inches or more, or other similar article.

"Dangerous gun" means any revolver, pistol, air rifle, including all types of BB guns, rifle, shotgun, or any instrument or weapon in which loaded or blank cartridges or shells are used.

"Person" means any person, firm, or corporation.

(2) No person shall engage in the business of selling or giving away any dangerous weapon or gun without obtaining a license as hereinafter provided, and no person having such license shall sell or give away any such dangerous weapon or gun who has not secured a permit from the Chief of Police to obtain such dangerous weapon or gun as hereinafter provided.

This provision does not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods item defined as any of those items that further interest in the commonly accepted fields of sport, straight edge razors, household purpose knives, any knife having a blade less than 3", or instruments necessary to certain trades, crafts, professions or sports.

(4) * * *—Handguns of any caliber shall not be sold to persons convicted of a felony or to minors."*

(5) No person shall purchase any dangerous weapon or gun without securing a permit therefor from the Chief of Police. * * *.

This subsection shall not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods items defined in any of those items that further interest in the commonly accepted fields of sport, straight edged razors, household purpose knives, any knife having a blade less than 3", or instruments necessary to certain trades, crafts, professions, or sports, except as to persons convicted of crime or to minors.

(7) No person shall mutilate any revolver, pistol, shotgun, rifle, or any other firearm or destroy the identification marks thereon.

West Milwaukee

3.15. *Firearms. 2. Sale and display regulated.* No person, firm, or corporation shall engage in the business of selling, sell or give away any blackjacks, sling shots, billy, sand bag or sand club, bludgeon, metal knuckles, revolvers, pistols, rifles, shot gun, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives, or other projectiles are intended to be used, or display or exhibit for sale any such weapon, cartridges, shells, gas, explosives or projectiles, except in accordance with a seller's permit or dealer's license issued pursuant to Subsection (3); and such sale or gift shall be made only to a person not otherwise prohibited from purchasing or using such items by the provisions of Subsection (4).

3. *Dealers' licenses.* Dealers' licenses shall be issued by the Chief of Police and shall expire automatically on May 1st following the date thereof, and shall be issued upon the filing of a written application form approved by said Chief of Police and presentation of a receipt showing the payment of the annual fee of Ten ($10.00) Dollars to the Village Treasurer. Every such licensee shall make out and deliver to the Chief of Police every 24 hours a legible and correct report of any sale or gift made under authority of such license during the preceding twenty-four hours which report shall contain the date of such sale or gift, the name of the purchaser or donee, his or her address and age, the number, kind, and description of such weapon, and the purpose for which said weapon was acquired.

4. *Purchase of.* No person shall purchase or receive any of the weapons or items mentioned in Subsection (2) if said person: a. is under eighteen years of age, or, b. is under indictment in any court for a crime punishable by imprisonment for a term exceeding one year, or, c. has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or, d. is a fugitive from justice, or, e. is an unlawful user of, or addicted to, marihuana or a depressant, stimulant, or narcotic drug, or, f. is under the influence of a drug or is intoxicated, or, g. has ever been adjudged mentally defective or has ever been committed to a mental institution, or,

h. has been discharged from the Armed Forces under dishonorable conditions, or, i. is an alien illegally in the United States, or, j. is a person who, having been a citizen of the United States, has renounced his citizenship.*

3.22 *Use of fire bombs and other similar devices.* (1) No person shall make, carry, possess, sell, give, or use any type of "Molotov Cocktail," which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

White Fish Bay

15.12. *Weapon dealers.* (1) *Sale and display prohibited.* No person shall engage in the business of selling, sell or give away any blackjack, sling shot, billy, sand bag, sand club, bludgeon, metal knuckles, revolvers, pistols, shot gun, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives or other projectiles are intended to be used, or display or exhibit for sale any such weapon, cartridges, shells, gas, explosives or projectiles or any sign, poster, display card or other matter advertising or suggesting the sale of any such weapon, cartridge, shell, gas, explosive or projectile, except in accordance with a dealer's license issued pursuant to subsection (2) and shall make such sale or gift only to a person holding a buyer's license

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-on (21) years of age.

issued and in effect pursuant to subsection (3).

(2) *Dealers' licenses.* Dealers' licenses shall be issued by the Chief of Police and shall expire automatically on May 1 following the date thereof, and shall be issued upon the filing of a written application in form approved by said Chief of Police * * *.

(3) *Buyers' licenses.* Buyers' licenses shall be issued by the Chief of Police upon an application in writing, setting forth the name, address, age, height, weight, complexion, nationality and other means of identification of the applicant; also, the purpose for which said weapon is to be used and full detail as to conviction of the applicant of any crime. * * *.

(4) *Purchase of.* No person shall purchase or receive any of the weapons mentioned in subsection (1) without first securing a license so to do as provided in subsection (3).

(5) *Rifles and shot guns for hunting purposes excepted.* The provisions of subsections (1) to (4), both inclusive, shall not apply to rifles or shot guns under twenty (20) inches length of barrel and ammunition for same, commonly and lawfully used for hunting purposes in this state.

Wisconsin Dells

11. *No person shall sell* any firearms, blackjack, billy, bludgeon, crossknuckles, knuckles of any metal, bowie knife, dirk knife, dirk, dagger, switch blade knife or any other knife having a blade three inches or longer to any minor in the City of Wisconsin Dells * * *.

WYOMING

State Law

WYO. STATS. ANN. TITLE 6

6-241. *Possession of weapons by aliens.* Every person, not being a citizen of the United States, who shall own, possess, wear or carry any dirk, pistol, shot gun, rifle, or other fire arm, bowie knife, dagger, or any other dangerous or deadly weapon, shall upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) or imprisoned in the county jail not more than six months, or by both such fine and imprisonment.

6-243. *Dealer's and pawnbroker's firearms register—Required to be kept; information to be shown.* All wholesalers, retailers, dealers and pawn brokers are hereby required to keep a record of all firearms which may come into their possession, whether new or second hand, which record shall be known as the firearms register. Such register shall contain the following information, to-wit: The name of the manufacturer, person, persons, firm or corporation from whom the firearm was obtained, the date of its acquisition, its manufacturer's number, its color, its caliber, whether the same is new or second hand, whether it is an automatic, a revolver, a single shot pistol, a rifle, a shotgun or a machine gun, the name of the party to whom said firearm is sold in such purchaser' handwriting and the date of such sale.

6-244. *Same—To be signed by purchasers.* Every person who purchases any firearm from any retailer, pawn broker or dealer, shall sign his name or make his mark properly witnessed, if he cannot write, on said firearm register, at the time of the delivery to him of any firearm so purchased.

6-246.1. *Rifles and shotguns—Defined.* Rifle—a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Shotgun—a weapon designed and redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

6-246.3. *Same—Resident may purchase or receive delivery; restrictions and requirements.* It is hereby declared by the State of Wyoming that it is lawful for a resident of the State of Wyoming, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to the State of Wyoming, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such contiguous states.

(b) The purchaser and the licensee must have, prior to the sale or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) of the Federal Gun Control Act of 1968 [18 U.S.C. § 922(c)], applicable to interstate transactions other than at the licensee's business premises.

Cheyenne

46-1. *Definitions.* Dealer: Any person engaged in the business of selling firearms at wholesale or retail or of accepting pledges or pistols as security for loans. Firearm: Any weapon which is designed to expel a projectile by the action of expanding gases.

46-5. *Possession of firearms—Criminals, drug addicts, etc.* No person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia or who is a fugitive from justice or is of unsound mind or is drug addict or a habitual drunkard or is a member of a subversive organization shall possess a firearm within the city.

46-6. *Same—Minors.* No person under the age of eighteen years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the State Militia R.O.T.C., or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

46-7. *Sale, possession, etc., of firearms without manufacturer's identification mark prohibited.* No person shall receive, possess, sell, lease or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

46-9. *Exceptions.* This chapter shall not apply to duly appointed officers of the city, county or state or of the United States in the lawful discharge of their duties as such officers, nor to transactions in which delivery is made of a pistol by mail or other common carrier to a destination not within the city.

46-10. *License—Required.* No person shall sell any firearm at wholesale or retail or shall lease, pledge or accept any firearm as security for a loan without obtaining a license therefor.

46-14. *Pistols—Sale and delivery.* When any sale of a pistol, the overall length of which is less than six inches, is made under this article, forty-eight hours must elapse between the time of the sale and the time of delivery to the purchaser. All pistols shall be securely wrapped and unloaded when delivered to the purchaser.

46-16. *Sales, etc., to criminals, dope addicts, etc.* No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or is a fugitive from justice or is of unsound mind or is intoxicated or is a drug addict or an habitual drunkard or is a member of a subversive organization.

46-17. *Sales, etc., to minors.* No dealer shall sell, lease, lend or otherwise transfer a firearm to any person under twenty-one years of age except as provided in section 46-6.

Cody

34-4. *Furnishing deadly weapons * * * to minors.* It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, dirk, knife, slingshot, knucks, or any other deadly weapon of any kind, which can be worn or concealed upon the person.

It shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.*

Powell

8.24. *Disposing of weapons to minors.* It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, dirk, bowie knife, slingshot, knucks, or any other deadly weapon of any other kind whatsoever, which can be worn or concealed upon the person, and it shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.*

8.25. *Police excepted.* The provisions of this Article shall not apply to any duly appointed law enforcement officer in the lawful discharge of his duties as such officer.

Sheridan

19-44. *Weapons—Sale, etc., to minors.* It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol, dirk or Bowie knife, slingshot, knucks or other deadly weapon that can be worn, carried or concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designated for use in a pistol.*

GEORGIA

State Law—(Continued)

GENERAL ASSEMBLY OF GEORGIA

An Act to amend an Act known as Georgia Firearms and Weapons Act approved April 8, 1968 (Georgia laws 1968, page 983), so as to define the term "shotgun"; to change the definition of the term "sawed-off shotgun"; to provide an effective date; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. An Act known as the "Georgia Firearms and Weapons Act," approved April 8, 1968 (Georgia laws 1968, page 983), is hereby amended by striking subsection (a) of section 4 in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) (1). The term 'shotgun' means a weap-

---

*NOTE.—Licensees under The Gun Control Act of 1968 are prohibited from selling or delivering handguns and handgun ammunition to persons under twenty-one (21) years of age.

on designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

"(2). The term 'sawed-off shotgun' means a shotgun or any weapon made from a shotgun (whether by alteration, modification, or otherwise) having one or more barrels less than eighteen inches in length or if such weapon as modified has an overall length of less than twenty-six inches."

Section 2. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Effective date: March 21, 1974.

GUAM*

Territorial Law

GOV'T CODE, TERRITORY OF GUAM

Chapter X of Title IX of the Government Code of Guam is hereby repealed and reenacted to read as follows:

8900. *As used in this Chapter:* (a) 'Firearm' means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

(b) 'Pistol' or 'revolver' means any firearm of any shape whatever, and designed to be fired with one hand with a barrel less than twelve inches (12") in length and capable of discharging loaded ammunition or any noxious gas.

(c) 'Rifle' means a firearm designed, made, redesigned or remade, and intended to be fired from the shoulder and to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such firearm which may be readily restored to fire loaded ammunition, and any antique rifle or long gun, regardless of the type of charge or projectile used, which is capable of being used as a weapon.

(d) 'Shotgun' means any firearm designed, made, redesigned or remade and intended to be fired from the shoulder and to fire through a smooth barrel either a number of projectiles (ball shot) or a single projectile, and shall include any such firearm which may be readily restored to fire any of the above, and shall also include any firearm of any age designed and capable of firing the abovementioned projectiles.

(e) The terms 'Director' and 'Department' means the Director of Public Safety and the Department of Public Safety respectively.

8900.1. *This Chapter shall not apply to:* (a) Law enforcement officers when using firearms authorized by the Director in their official duty.

(b) Persons in the Armed Forces of the United States engaged in official duty.

(c) Devices which are not designed or redesigned for use as a weapon. Any device, although originally designed as a firearm, which has been redesigned, or was designed initially for use as, a signalling, pyrotechnic, line-throwing, safety, industrial or similar device, surplus ordnance sold, loaned or given by the Secretary of the Army pursuant to the provisions of Sections 4684(2), 4685 or 4686 of Title 10 of the United States Code is not covered by this Chapter.

8901. *Ownership, etc. of certain firearms prohibited.* The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, sub-machine guns, automatic rifles or any other firearm not a rifle having a barrel length of sixteen (16) inches or greater, or not a shotgun having a barrel length of eighteen (18) inches or greater, or a revolver or pistol having a barrel length of more than twelve (12) inches is prohibited. Muffiers, silencers, or devices for deadening the sound of discharged firearms are also prohibited. Any person violating this section shall be imprisoned for a term of not less than two years nor more than five years, without probation.

8901.1. *Ownership, etc. permitted.* Any person who qualifies under this Chapter may lawfully own, possess, use or carry any rifle, shotgun, pistol or revolver not prohibited by Section 8901 subject to the conditions and penalties provided in this Chapter.

8901.2. *Dealer, etc. must register.* Any person who is in the business of selling, buying, renting, or trading any firearm shall register with the Department of Public Safety under the terms and conditions set forth in this Chapter and the rules and regulations adopted hereunder before engaging in any of the above activities. The term 'in the business of' shall mean any person, natural or legal, who engages in the above activities for profit or who so engages on behalf of others, but shall not include private sales, loans, gifts or transfers of lawfully possessed firearms which have been registered and possessed under the provisions of Sections 8901.1 and 8903 of this Chapter.

8902. *Identification card required.* No person shall own, possess, use, carry or acquire any firearm which is lawful under Section 8901.1 unless he shall have first obtained from the Department an identification card evidencing his right to such ownership, possession, use or carrying, concealed or otherwise, as stated upon the face of the Card. Said Card shall be in the possession of the holder and on his person whenever he is using or has in his possession a firearm. * * *

8903.2. *Upon transfer to a pawnbroker,* and upon retransfer from the pawnbroker to either the owner or to another person, a new registration must be obtained. * * *

8904.1. (a) No person may use or possess a firearm, regardless of ownership of the firearm, without possession of an identification card evidencing his eligibility to possess, use or carry such firearms.

(b) No person shall transfer, loan, give, sell either as a part of a business or individually, or permit the use of any firearm unless the person receiving the firearm has an identification card evidencing his eligibility to receive, possess, use and carry the type of firearm which he is to receive, borrow, use, buy or possess or carry. * * *

(d) No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the same.

(e) If any person, in complying with any of the requirements of this Chapter, knowingly gives false information, or knowingly offers false evidence of any of the facts required by the Department or by this Chapter, he shall be guilty of perjury and punished therefor as provided by Section 126 of the Penal Code. Additionally, upon conviction, such person shall not be eligible for an identification card for a period of ten years, and any existing identification card issued to such person shall be revoked, and any firearms possessed pursuant to such identification card forfeited.

8905. *Dealers, etc. must register.* Any person who is a dealer, manufacturer, wholesaler, or retailer of firearms or ammunition within the territory of Guam who must register pursuant to Section 8901.2 shall do so by supplying the Department with information required by it relative to the name of the business, name or names of the owners, whether the business is a corporation, sole proprietorship, partnership or any other form, relative to the types of firearms sold, manufactured, bought or repaired by such business, to the security of the storage areas of the business wherein the firearms are stored and any other information deemed necessary by the Department. Upon receipt of the necessary information, the Department shall issue a registration card, which shall be prominently displayed at the place of business of the person or firm so registered, and copies to be displayed at each location where firearms are sold.

8905.1. Any person or firm licensed pursuant to Section 8905.2 shall, in the conduct of his business:

(1) Display no firearms or ammunition in any place where they can be seen from outside the premises.

(2) Keep all firearms and ammunition in a securely locked place at all times except when they are actually being shown to a customer or when actually being repaired or worked on.

(3) Permit only persons who are holders of identification cards making them eligible to purchase, possess and use the firearms sold by the registrant or repaired by the repair facility to have access to the firearms or ammunition, except that nothing in this section shall be construed to require a customer to show an identification card prior to his engaging in a transaction for which an identification card is required by this Chapter.

(4) Sell only to persons who have a valid identification card making them eligible to purchase, own, possess, use and carry the firearm or ammunition which is the subject of the transaction.

(5) Keep a continuing and up-to-date inventory of all firearms and ammunition in his possession and report the loss, theft, damage or destruction of the same to the Department immediately upon the discovery of the event.

8905.2. No person, other than the owner or possessor of a firearm, may accept any firearm for repair without having first been shown a valid identification card showing the person delivering the firearm to such person accepting it for repair to be eligible to possess the firearm in question. No firearm shall be returned to any person after repair or other work done on it without the repairer having seen the identification card of the one to whom the firearm is to be given.

8908. *Fees.* * * * (b) the annual registration fee for every dealer, manufacturer, wholesaler, retailer and repairer shall be One Hundred Dollars ($100.00) and shall be payable to the Treasurer of Guam for the account of the Department of Public Safety before any such registration may be issued, renewed or a duplicate issued. * * *

(d) Registrations for dealers, retailers, wholesalers, manufacturers and repairers shall be renewed annually at the same time as the business license is renewed, and shall be prorated on the same scale as is the business license for the establishment involved.

COMPILER'S NOTE.—Chapter X of Title IX of the Government Code of Guam as shown in the Text, was repealed and reenacted as shown above effective February 28, 1974.

[FR Doc.74-10901 Filed 5-8-74;10:56 am]