

## § 478.1

## 27 CFR Ch. II (4–1–23 Edition)

- 478.124 Firearms transaction record.
- 478.125 Record of receipt and disposition.
- 478.125a Personal firearms collection.
- 478.126 Furnishing transaction information.
- 478.126a Reporting multiple sales or other disposition of pistols and revolvers.
- 478.127 Discontinuance of business.
- 478.128 False statement or representation.
- 478.129 Record retention.
- 478.131 Firearms transactions not subject to a NICS check.
- 478.132 [Reserved]
- 478.133 Records of transactions in semiautomatic assault weapons.
- 478.134 Sale of firearms to law enforcement officers.

### Subpart I—Exemptions, Seizures, and Forfeitures

- 478.141 General.
- 478.142 Effect of pardons and expunctions of convictions.
- 478.143 Relief from disabilities incurred by indictment.
- 478.144 Relief from disabilities under the Act.
- 478.145 Research organizations.
- 478.146 Deliveries by mail to certain persons.
- 478.147 Return of firearm.
- 478.148 Armor piercing ammunition intended for sporting or industrial purposes.
- 478.149 Armor piercing ammunition manufactured or imported for the purpose of testing or experimentation.
- 478.150 Alternative to NICS in certain geographical locations.
- 478.151 Semiautomatic rifles or shotguns for testing or experimentation.
- 478.152 Seizure and forfeiture.
- 478.153 [Reserved]

### Subpart J [Reserved]

### Subpart K—Exportation

- 478.171 Exportation.

AUTHORITY: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

SOURCE: 33 FR 18555, Dec. 14, 1968, unless otherwise noted. Redesignated at 40 FR 16835, Apr. 15, 1975, and further redesignated by T.D. ATF–487, 68 FR 3750, Jan. 24, 2003.

EDITORIAL NOTE: Nomenclature changes to part 478 appear by T.D. ATF–411, 64 FR 17291, Apr. 9, 1999, T.D. ATF–487, 68 FR 3750, Jan. 24, 2003, and ATF–11F, 73 FR 57240, Oct. 2, 2008.

### Subpart A—Introduction

#### § 478.1 Scope of regulations.

(a) *General.* The regulations contained in this part relate to commerce

in firearms and ammunition and are promulgated to implement Title I, State Firearms Control Assistance (18 U.S.C. Chapter 44), of the Gun Control Act of 1968 (82 Stat. 1213) as amended by Pub. L. 99–308 (100 Stat. 449), Pub. L. 99–360 (100 Stat. 766), Pub. L. 99–408 (100 Stat. 920), Pub. L. 103–159 (107 Stat. 1536), Pub. L. 103–322 (108 Stat. 1796), Pub. L. 104–208 (110 Stat. 3009), and Pub. L. 105–277 (112 Stat. 2681).

(b) *Procedural and substantive requirements.* This part contains the procedural and substantive requirements relative to:

- (1) The interstate or foreign commerce in firearms and ammunition;
- (2) The licensing of manufacturers and importers of firearms and ammunition, collectors of firearms, and dealers in firearms;
- (3) The conduct of business or activity by licensees;
- (4) The importation of firearms and ammunition;
- (5) The records and reports required of licensees;
- (6) Relief from disabilities under this part;
- (7) Exempt interstate and foreign commerce in firearms and ammunition; and
- (8) Restrictions on armor piercing ammunition.

[T.D. ATF–270, 53 FR 10490, Mar. 31, 1988, as amended by T.D. ATF–354, 59 FR 7112, Feb. 14, 1994; T.D. ATF–363, 60 FR 17450, Apr. 6, 1995; T.D. ATF–401, 63 FR 35522, June 30, 1998; T.D. ATF–471, 67 FR 5425, Feb. 5, 2002]

#### § 478.2 Relation to other provisions of law.

The provisions in this part are in addition to, and are not in lieu of, any other provision of law, or regulations, respecting commerce in firearms or ammunition. For regulations applicable to traffic in machine guns, destructive devices, and certain other firearms, see Part 479 of this chapter. For statutes applicable to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war, see section 38 of the Arms Export Control Act (22 U.S.C. 2778) and regulations thereunder and Part 447 of this chapter. For statutes applicable to nonmailable firearms, see

18 U.S.C. 1715 and regulations thereunder.

[T.D. ATF-270, 53 FR 10490, Mar. 31, 1988]

### Subpart B—Definitions

#### § 478.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this subpart. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms “includes” and “including” do not exclude other things not enumerated which are in the same general class or are otherwise within the scope thereof.

*Act.* 18 U.S.C. Chapter 44.

*Adjudicated as a mental defective.* (a) A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease:

(1) Is a danger to himself or to others; or

(2) Lacks the mental capacity to contract or manage his own affairs.

(b) The term shall include—

(1) A finding of insanity by a court in a criminal case; and

(2) Those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

*Admitted to the United States for lawful hunting or sporting purposes.* (a) Is entering the United States to participate in a competitive target shooting event sponsored by a national, State, or local organization, devoted to the competitive use or other sporting use of firearms; or

(b) Is entering the United States to display firearms at a sports or hunting trade show sponsored by a national, State, or local firearms trade organization, devoted to the competitive use or other sporting use of firearms.

*Alien.* Any person not a citizen or national of the United States.

*Alien illegally or unlawfully in the United States.* Aliens who are unlaw-

fully in the United States are not in valid immigrant, nonimmigrant or parole status. The term includes any alien—

(a) Who unlawfully entered the United States without inspection and authorization by an immigration officer and who has not been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (INA);

(b) Who is a nonimmigrant and whose authorized period of stay has expired or who has violated the terms of the nonimmigrant category in which he or she was admitted;

(c) Paroled under INA section 212(d)(5) whose authorized period of parole has expired or whose parole status has been terminated; or

(d) Under an order of deportation, exclusion, or removal, or under an order to depart the United States voluntarily, whether or not he or she has left the United States.

*Ammunition.* Ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm other than an antique firearm. The term shall not include (a) any shotgun shot or pellet not designed for use as the single, complete projectile load for one shotgun hull or casing, nor (b) any unloaded, non-metallic shotgun hull or casing not having a primer.

*Antique firearm.* (1) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

(2) Any replica of any firearm described in paragraph (a) of this definition 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 that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; or

(3) Any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this paragraph (3), the term “antique firearm” does not include any