

**State of California
Office of Administrative Law**

In re:
Department of Justice

Regulatory Action:

Title 11, California Code of Regulations

Adopt sections: 4340
Amend sections: 5474, 5513
Repeal sections: 5473, 5512

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

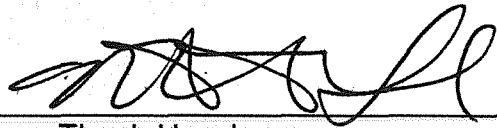
OAL Matter Number: 2019-0415-05

OAL Matter Type: Regular (S)

In this rulemaking action, the Department moved its regulations related to the California Firearms Application Reporting System (CFARS) from Chapters 39 and 41 to newly adopted Chapter 12. The Department further amended its regulations to reflect the change in section numbering.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 5/28/2019.

Date: May 28, 2019



**Thanh Huynh
Senior Attorney**

**For: Holly Pearson
Acting Director**

**Original: Xavier Becerra, Attorney
General**
Copy: Kelan Lowney

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0925-03	REGULATORY ACTION NUMBER 2019-0415-05S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

2019 APR 15 P 2:45
OFFICE OF
ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAY 28 2019
1:00 PM

AGENCY WITH RULEMAKING AUTHORITY
Department of Justice

AGENCY FILE NUMBER (if any)
DOJ-18-006

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) California Firearms Application Reporting System	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 4340
	AMEND 5474, 5513
TITLE(S) 11	REPEAL 5473, 5512

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

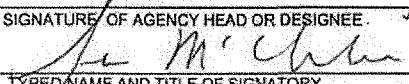
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs., title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) July 1, 2019

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Kelan Lowney	TELEPHONE NUMBER (916) 227-7615	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Kelan.Lowney@doj.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 4/12/19
TYPED NAME AND TITLE OF SIGNATORY Sean McCluskie, Chief Deputy to the Attorney General	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 28 2019

Office of Administrative Law

FINAL TEXT OF REGULATIONS

California Code of Regulations Title 11, Division 5

Chapter 12: California Firearms Application Reporting System

§ 4340. Account Creation.

A California Firearms Application Reporting System (CFARS) account shall be created online by an individual to report or update firearm ownership information with the California Department of Justice (Department), request a unique serial number for a firearm from the Department, and/or apply for and manage a Certificate of Eligibility in order to comply with California firearm laws and regulations.

(a) A CFARS account may be created online at the following website:
<https://cfars.doj.ca.gov/login.do>.

(b) The individual shall agree to the following conditions before creating a CFARS account:

(1) Non-Liability: The Department is not responsible for, and will have no liability for, any hardware, software, information, or other items or any services provided by any persons other than the Department. In no event shall either party be liable to the other or any third party, under any theory of liability, including, but not limited to, any contract or tort claim for any cause whatsoever, for any indirect, incidental, special, or consequential damages, including loss of revenue or profits, even if aware of the possibility thereof.

(2) Authorization: The applicant is authorized to use CFARS for the purpose of reporting or updating firearm ownership information, requesting a unique serial number for a firearm, and/or applying for and managing a Certificate of Eligibility in order to comply with California firearm laws and regulations. If the applicant becomes aware of an unauthorized user obtaining access to his or her CFARS account, the applicant shall notify the Bureau of Firearms immediately at (916) 227-7527, or via email at: firearms.bureau@doj.ca.gov.

(3) Fees: Notwithstanding such notification, the applicant agrees the Department shall not be liable for transaction charges fraudulently incurred. It will be the applicant's responsibility to pay any charges. The Department will not provide refunds after the submission of a transaction.

(4) True and Accurate Information: All of the information the applicant submits to the Department through CFARS shall be true, accurate, and complete to the best of his or her knowledge.

(c) The individual shall provide the following information to create a CFARS account:

- (1) Full Name
- (2) Email Address
- (3) Selection of Three Security Questions and Answers
- (4) Password

Note: Authority cited: Sections 11106, 29182, and 30900, Penal Code. Reference: Sections 11106, 16400, 16535, 16670, 26915, 26700, 26710, 27510, 27560, 27565, 27875, 27920, 27966, 28000, 28160, 29180, 29182, 30370, 30515, 30900, and 33850, Penal Code.

California Code of Regulations
Title 11, Division 5

Chapter 39: Assault Weapons and ~~Large Capacity~~ Large-Capacity Magazines

Article 3. Assault Weapon Registration

§ 5473. Registration of Assault Weapons Pursuant to Penal Code Section 30900 (b)(1); California Firearms Application Reporting System (“CFARS”); Account Requirements.

(a) ~~Assault weapon registrations must be filed electronically using the Department's California Firearms Application Reporting System (CFARS), at the following website:~~
~~<https://efars.doj.ca.gov/login.do>.~~

(b) ~~A CFARS account must be created to use the electronic registration system. To create a CFARS account, assault weapon registrants will be required to agree to the following conditions of use:~~

~~(1) Non-Liability: The Department is not responsible for and will have no liability for any hardware, software, information, or other items or any services provided by any persons other than the Department. Except as may be required by law, in no event shall either party be liable to the other or any third party, under any theory of liability, including, but not limited to, any contract or tort claim for any cause whatsoever, for any indirect, incidental, special, or consequential damages, including loss of revenue or profits, even if aware of the possibility thereof.~~

~~(2) Authorization: I am authorized to use CFARS for the purpose of reporting firearm information to the Department in order to comply with California firearm laws and regulations. If I become aware of an unauthorized user obtaining access to my CFARS account, I will notify the Customer Support Center immediately at (916) 227-7527, or via email at: firearms.bureau@doj.ca.gov.~~

~~(3) Fees: Notwithstanding such notification, the Department shall not be liable for transaction charges fraudulently incurred. It will be the cardholder's responsibility to pay any charges. The Department will not provide refunds after the submission of a transaction.~~

~~(4) True and Accurate Information: All of the information I submit to the Department through CFARS shall be true, accurate, and complete to the best of my knowledge.~~

(e) The following information must be provided by registrants in order to create a CFARS account:

(1) Full Name

(2) Email Address

(3) Three Security Questions and Answers

(4) Password

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5474. Registration of Assault Weapons Pursuant to Penal Code section 30900 (b)(1); Applicant and Firearms Information.

After creating a CFARS account pursuant to section 4340 ~~Once a CFARS account has been created~~, registrants must provide the following information:

- (a) The registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, military identification number (if applicable), California Driver License number or California Identification Card number, U.S. citizenship status, place of birth, country of citizenship, and alien registration number or I-94, if applicable.
- (b) A description of the firearm that identifies it uniquely, including but not limited to: firearm type, make, model, caliber, firearm color, barrel length, serial number, all identification marks, firearm country of origin/manufacturer, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired.
- (c) Clear digital photos of firearms listed on the application. One photo shall depict the bullet-button style magazine release installed on the firearm. One photo shall depict the firearm from the end of the barrel to the end of the stock if it is a long gun or the point furthest from the end of the barrel if it is a pistol. The other two photos shall show the left side of the receiver/frame and right side of the receiver/frame. These locations are typically where firearms are marked when manufacturing is complete. At the discretion of the Department the last two photos shall be substituted for photos of identification markings at some other locations on the firearm.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

California Code of Regulations
Title 11, Division 5

Chapter 41: Firearms: Identifying Information and the Unique Serial Number
Application Process for Self-Manufactured or Self-Assembled Firearms

**Article 5. ~~Cfars~~ CFARS Reporting of Self-Manufactured or Self-Assembled
Firearms Pursuant to Section 29180**

§ 5512. ~~CFARS Reporting Process.~~

(a) ~~To apply for a unique serial number, the applicant shall create a CFARS account online. To create a CFARS account, the applicant shall agree to the following conditions of use:~~

(1) ~~Non-Liability: the Department is not responsible for, and will have no liability for, any hardware, software, information, or other items or any services provided by any persons other than the Department. Except as may be required by law, in no event shall either party be liable to the other or any third party, under any theory of liability, including, but not limited to, any contract or tort claim for any cause whatsoever, for any indirect, incidental, special, or consequential damages, including loss of revenue or profits, even if aware of the possibility thereof.~~

(2) ~~Authorization: the applicant is authorized to use CFARS for the purpose of reporting firearm information to the Department and/or submitting and managing a Certificate of Eligibility in order to comply with California firearm laws and regulations. If the applicant becomes aware of an unauthorized user obtaining access to the applicant's CFARS account, the applicant will notify the Bureau of Firearms immediately at (916) 227-7527, or via email at: firearms.bureau@doj.ca.gov.~~

(3) ~~Fees: notwithstanding such notification, the applicant agrees the Department shall not be liable for transaction charges fraudulently incurred. It will be the applicant's responsibility to pay any charges. The Department will not provide refunds after the submission of a transaction.~~

(4) ~~True and Accurate Information: all of the information the applicant submits to the Department through CFARS shall be true, accurate, and complete to the best of the applicant's knowledge.~~

(b) ~~The following information shall be provided by the applicant to create a CFARS account:~~

(1) ~~Full Name~~

(2) ~~Email Address~~

~~(3) Selection of Three Security Questions and Answers~~

~~(4) Password~~

Note: Authority cited: Section 29182, Penal Code. Reference: Section 26710 and 29180, Penal Code.

§ 5513. Applicant and Firearm Identification Information Entered into CFARS by Applicant and the Department's Privacy Notice.

(a) After creating a CFARS account pursuant to section 4340, the applicant shall provide certain identifying information to demonstrate that the applicant is not prohibited under either state or federal law from possessing a firearm before the Department issues a unique serial number to the applicant. The applicant shall provide the following identifying information:

(1) The applicant's full name, residence street address, email address, telephone number, date of birth, gender, military identification number (if applicable), California Driver License or Identification Card number, U.S. citizenship status, place of birth, country of citizenship, and alien registration number or I-94 (if applicable).

(A) The applicant shall be 18 years of age or older to apply for a unique serial number for a firearm that is not a handgun. Commencing February 1, 2019, the applicant shall be 21 years of age or older to apply for a unique serial number for a firearm that is not a handgun.

(B) The applicant shall be 21 years of age or older to apply for a unique serial number for a handgun.

(2) A description of the firearm that specifies: date of manufacture or the date its assembly will be complete, firearm type, caliber, firearm color, barrel length, type of material used to build the receiver (aluminum, steel, polymer plastic, or other), whether it is a frame or receiver only, all identification marks, and firearm city and state of origin.

~~(A)~~ (B) If the applicant specifies that the receiver of the firearm being reported is made from material "other" than aluminum, steel, or polymer plastic, the applicant shall provide a brief explanation of the type of material that was used to build the receiver.

(3) The applicant's Firearms Safety Certificate (FSC) or Handgun Safety Certificate (HSC) number. Instructions on obtaining a FSC can be found on:
<https://oag.ca.gov/firearms/fscinfo>.

(b) If any part of the identifying information in subdivisions (a)(1), ~~(a)(2)(b)~~, and ~~(a)(3)(e)~~ of this section is missing, the Department shall not approve the applicant's request for a unique serial number.

(c) The applicant shall agree to the following terms of the Department's Privacy Notice:

(1) Collection and Use of Personal Information: the Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information on this application pursuant to Penal Code sections 29180, 29181, 29182, 29183, and 29184. The Bureau of Firearms uses this information to process and assign a unique serial number(s) to a firearm(s) and to record firearm ownership for an applicant. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at: <http://oag.ca.gov/privacy-policy>.

(2) Providing Personal Information: all personal information on this application is mandatory. Failure to provide the mandatory personal information will result in the application not being processed.

(3) Access to Your Information: you may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act.

(4) Possible Disclosure of Personal Information: in order to process and assign a unique serial number(s) to a firearm(s) for an applicant, we may need to share the information the applicant provides us with any Bureau of Firearms representative or any other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

(A) With other persons or agencies when necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations, licensing, certification, or regulatory purposes;

(B) To another government as required by state or federal law.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 11106, 16400, 16535, 16670, 27510, 28160, 29180 and 29182, Penal Code; and Section 1798.17, Civil Code.