

**State of California
Office of Administrative Law**

In re:
Department of Justice

Regulatory Action:

Title 11, California Code of Regulations

Adopt sections: 5505, 5506, 5507, 5508,
5509, 5510, 5511, 5512,
5513, 5514, 5515, 5516,
5517, 5518, 5519, 5520,
5521, 5522

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

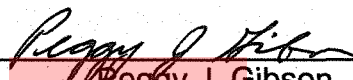
OAL Matter Number: 2018-0409-01

OAL Matter Type: Regular (S)

This rulemaking action by the Department of Justice establishes the procedures and process for owners of self-manufactured or self-assembled firearms to report these firearms to the Department of Justice and to receive a unique serial number for placement on the firearm. These are new requirements pursuant to Assembly Bill 857, (Stats. 2016, ch. 60), Firearms: identifying information.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2018.

Date: May 21, 2018


Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: Xavier Becerra, Attorney
General

Copy: Sundeep Thind

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0123-05	REGULATORY ACTION NUMBER 2018-0409-01S	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2018 APR -9 A 10:25

OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

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

MAY 21 2018
at 1:34 pm

AGENCY WITH RULEMAKING AUTHORITY

Department of Justice

AGENCY FILE NUMBER (if any)

DOJ-17-017

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	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2018, 05-2	PUBLICATION DATE 2/2/2018

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Firearms: Identifying Info and the USNA Process	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 5505,5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, 5522
	AMEND
	REPEAL TITLE(S) 11

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 §511346.2-11347.3 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 §511349.3, 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)
N/A

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" 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 type="checkbox"/> Effective other (Specify)
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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 56660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Sundeep Thind	TELEPHONE NUMBER (916) 227-7622	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Sundeep.Thind@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.

NATURE OF AGENCY HEAD OR DESIGNEE <i>Sean McCluskie</i>	DATE 4/9/18
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 21 2018

Office of Administrative Law

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 1. General

§ 5505. Title and Scope.

This chapter shall be known as the “Department of Justice Regulations for Firearms: Identifying Information and the Unique Serial Number Application Process for Self-Manufactured or Self-Assembled Firearms.” may be cited as such and is referred to herein as “these regulations.” The provisions of these regulations shall apply to an individual who owns a self-manufactured or self-assembled firearm before July 1, 2018 that is not recorded with the Department of Justice (Department), and shall also apply to an individual who intends to manufacture or assemble a firearm on or after July 1, 2018. The individual in each situation shall make a request to the Department to obtain a unique serial number for the individual’s unrecorded self-manufactured or self-assembled firearm. These regulations apply to self-manufactured or self-assembled firearms made from any material, including wood, metal, or plastic, and made through any process, including those produced by 3D printers. These regulations do not apply to a firearm that satisfies one or more criterion of Penal Code section 29181.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 11106, 16520, 23910, 29180, 29181, 29182, 29183 and 29184, Penal Code.

§ 5506. Firearms for Which No Unique Serial Numbers Will Be Provided.

The Department will not provide serial numbers for self-manufactured or self-assembled prohibited weapons pursuant to Penal Code section 16590, an assault weapon, a machine gun pursuant to Penal Code section 16880, a .50 BMG rifle pursuant to Penal Code section 30530, a destructive device pursuant to Penal Code section 16460, a short barreled rifle pursuant to Penal Code section 17170, or a short barreled shotgun pursuant to Penal Code section 17180.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 16460, 16590, 16880, 17170, 17180, 29180, 29182, 30510, 30515, and 30530, Penal Code.

Article 2. Definitions

§ 5507. Definition of Key Terms.

For the purposes of Penal Code Section 29180 and Chapter 41, the following definitions will apply:

(a) “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 firearm with a 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.

(b) “Barrel” means the tube, usually metal and cylindrical, through which a projectile or shot charge is fired. Barrels may have a rifled or smooth bore.

(c) “Barrel length” means the length of the barrel measured as follows: without consideration of any extensions or protrusions rearward of the closed bolt or breech-face. The approved procedure for measuring barrel length is to measure from the closed bolt (or breech-face) to the furthest end of the barrel or permanently attached muzzle device. Permanent methods of attachment include full fusion gas or electric steel-seam welding, high temperature (1100°F) silver soldering, or blind pinning with the pin head welded over. Barrels are measured by inserting a dowel rod into the barrel until the rod stops against the closed bolt or breech-face. The rod is then marked at the furthest end of the barrel or permanently attached muzzle device, withdrawn from the barrel, and measured.

(d) “Bore” means the interior of a firearm’s barrel excluding the chamber.

(e) “Bureau” means the Bureau of Firearms of the California Department of Justice.

(f) “Caliber” means the nominal diameter of a projectile of a rifled firearm or the diameter between lands in a rifled barrel. In the United States, caliber is usually expressed in hundredths of an inch; in Great Britain in thousandths of an inch; in Europe and elsewhere in millimeters.

(g) “CFARS” means California Firearms Application Reporting System.

(h) “Conspicuously” means that all required markings shall be placed in such a manner as to be wholly unobstructed from plain view.

(i) “Curios” or “relics” means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. These include firearms that were manufactured at least 50 years prior to the current date, but not including replicas of such firearms; 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 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.

(j) “Department” means the California Department of Justice.

(k) "Firearms Eligibility Check" means a state and federal background check pursuant to Penal Code section 30105 that is used to determine an individual's eligibility to possess a firearm.

(l) "Frame" means the basic unit of a firearm that is a handgun.

(m) "FSC" means Firearm Safety Certificate as defined in Penal Code section 16535.

(n) "HSC" means Handgun Safety Certificate as defined in Penal Code section 16670.

(o) "Legibly marked" means using exclusively Roman letters (A, a, B, b, C, c, and so forth) and numbers.

(p) "Receiver" means the basic unit of a firearm that is a long gun. The receiver will generally house the firing and breech mechanisms to which the barrel and stock are assembled.

(q) "Receiver or frame, unfinished" means a precursor part to a firearm that is not yet legally a firearm. Unfinished receivers or frames may be found in various levels of completion. As more finishing work is completed the precursor part gradually becomes a firearm. For example, some just have the shape of an AR-15 lower receiver, but are solid metal. Some have been worked on and the magazine well has been machined open.

(r) "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.

(s) "Self-assembled or "self-manufactured" firearm means a firearm fabricated or constructed, including firearm constructed using a 3D printer or any other technology, by a person, or a firearm the component parts which were fit together by a person to construct a firearm, but does not include:

(1) A firearm assembled or manufactured by a firearms manufacturer licensed by the State of California and/or the Federal Government, or

(2) A firearm with a serialized receiver purchased from a California gun store and later assembled it into a functional firearm. In this case, a licensed Federal Firearms Licensee is the manufacturer of the firearm and has applied its own serial number to the firearm.

Note: Authority cited: Section 29182, Penal Code. Reference: Section 16520, 16535, 16670, 29180, 29181, 29182, 29183, 29184 and 30105, Penal Code.

Article 3. Self-assembled Firearms Not Affected by this Chapter.

§ 5508. Firearms Not Affected by This Chapter Pursuant to Penal Code Section 29181.

The following firearms are not affected by these regulations and do not have to be recorded with the Department:

(a) A self-manufactured or self-assembled firearm containing a serial number assigned to it pursuant to Penal Code section 23910 or pursuant to Chapter 44 (commencing with Section 921) of Part 1 of Title 18 of the United States Code and the regulations issued pursuant thereto.

(b) A firearm that was manufactured or assembled prior to December 16, 1968, as long as the firearm is not a handgun.

(c) A firearm that was entered into the centralized registry with the Department prior to July 1, 2018, pursuant to Penal Code section 11106. Such a firearm contains a serial number or other mark of identification assigned by the individual who manufactured or assembled the firearm and reported the serial number or mark of identification to the Department so that it is on file with the Department. This serial number or mark of identification is typically one that was created by the individual who manufactured or assembled the firearm; therefore, it is not a serial number or mark of identification that was issued by the Department.

(d) A firearm containing a serial number pursuant to Chapter 53 of Title 26 of the United States Code and regulations issued pursuant thereto. Hence, if the individual's firearm already has a serial number issued to it by a Federal Firearms Licensee, whether it is an already functionally complete firearm or just a receiver or frame by itself, the individual does not have to reapply for a Department-issued unique serial number.

(e) A firearm that is a curio, relic, or an antique firearm.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 11106, 23910, 29180, 29181 and 29182, Penal Code.

Article 4. Firearms Regulated by Penal Code Section 29180

§ 5509. Persons Affected by These Regulations.

This article applies to the following:

(a) An individual who owns a self-manufactured or self-assembled firearm originally made from an unfinished receiver or frame as of July 1, 2018; and

(b) An individual who intends to manufacture or assemble a firearm from an unfinished receiver or frame on or after July 1, 2018.

Note: Authority cited: Section 29180, Penal Code. Reference: Section 29180, Penal Code.

§ 5510. Effective Dates.

(a) An individual who owns a self-manufactured or self-assembled firearm originally made from an unfinished receiver or frame that has not yet been recorded with the Department shall:

(1) Beginning on July 1, 2018, apply to the Department to request a unique serial number to record the firearm with the Department. The individual shall submit an electronic application to request a serial number for the self-manufactured or self-assembled firearm to the Department before January 1, 2019.

(b) As of July 1, 2018, no individual shall manufacture or assemble a firearm from an unfinished receiver or frame unless the individual applies to the Department for a unique serial number prior to manufacturing or assembling the firearm.

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

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

§ 5511. Online Reporting with CFARS.

(a) The application to request a unique serial number to record ownership of a self-manufactured or self-assembled firearm that was built prior to July 1, 2018, or to request a unique serial number to record ownership for a firearm that has not yet been manufactured or assembled as of July 1, 2018, shall be filed electronically using the Department's California Firearms Application Reporting System (CFARS), at the following website: <https://cfars.doj.ca.gov/login.do>.

(b) The application will be located on CFARS under the link "Unique Serial Number Application."

(c) The application to request a unique serial number to record ownership of a self-manufactured or self-assembled firearm that was built prior to July 1, 2018 shall only be available on the Department's website until 11:59 p.m. of December 31, 2018. To be processed, all such applications shall be paid in full and submitted online before January 1, 2019.

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

§ 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, 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.

(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.

(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), (b), and (c) 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.

§ 5514. Recording Fee for a Self-Manufactured or Self-Assembled Firearm.

(a) The initial fee for submitting an application for a unique serial number is \$35.00. This fee will cover the \$20.00 cost for the firearms eligibility check conducted by the Department and the issuance of one unique serial number for one firearm. If the applicant has multiple self-manufactured or self-assembled firearms or intends to manufacture or assemble multiple firearms, the applicant may request multiple unique serial numbers during the same transaction. It will be an additional \$15.00 for each subsequent request for a unique serial number within the same transaction. There is no limit to the number of unique serial numbers that an applicant may request within a single transaction to record the applicant's self-manufactured or self-assembled firearms.

(b) The fee for the firearms eligibility check and the issuance of a unique serial number for the self-manufactured or self-assembled firearm, shall be paid online by debit or credit card at the time the application is submitted to the Department for processing. If the fee is not paid, the application will not be processed.

(c) Once the firearms eligibility check is completed, an electronic copy of the original determination letter will be available on the applicant's CFARS account for a limited time. It is the applicant's responsibility to print out and save the determination letter for the applicant's records. The Department will not mail a physical copy of the original determination letter to the applicant's residence after the firearm eligibility check is conducted.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 29182, 29183 and 30105, Penal Code.

§ 5515. One Unique Serial Number Issued Per Firearm.

(a) The Department shall assign each self-manufactured or self-assembled firearm its own unique serial number so that each firearm is distinguishable from any other self-manufactured or self-assembled firearm.

(b) If the applicant requests multiple unique serial numbers for multiple self-manufactured or self-assembled firearms during the same transaction on CFARS, each unique serial number received by the applicant will differ from all other unique serial numbers received by the applicant as a part of that transaction or any other future transaction to obtain additional unique serial numbers. Each unique serial number shall be distinct to a particular firearm. If the applicant's request to obtain a unique serial number for multiple self-manufactured or self-assembled firearms is approved, the Department will inform the applicant which unique serial number is specifically assigned to each firearm.

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

§ 5516. Firearms Eligibility Check Conducted by the Department Prior to Issuing a Unique Serial Number.

(a) After the applicant pays for and submits an online application to request a unique serial number on CFARS, the Department will conduct a firearms eligibility check to determine that the applicant is not prohibited from possessing a firearm under either state or federal law. The Department will examine both state and federal records to ensure that neither state nor federal law prohibits the applicant from possessing a firearm.

(b) Once the Department processes the request application, it shall notify the applicant either that:

(1) The background check revealed that the applicant is eligible to own a firearm and it will assign a unique serial number to the applicant's firearm; or

(2) The background check revealed that the applicant is ineligible to own a firearm or that the background check could not generate a disposition for the applicant's criminal history. If the applicant is ineligible to own a firearm, the applicant shall not be issued a unique serial number.

(A) If an applicant is ineligible to own a firearm, the applicant will receive a denial notification, which will be sent to the applicant through the applicant's CFARS account. The denial notification that is sent through the applicant's CFARS account will explain the reason and instructions on how to get a copy of the record that resulted in the denial of the application. There will also be instructions on how to dispute and correct the information in the applicant's record that the applicant believes is incorrect.

(c) The Department will notify the applicant of its determination electronically by email. The applicant's CFARS account will generate a generic email notification that will be sent to the applicant's personal email address when the Department makes its determination so that the applicant can log onto the applicant's CFARS account online to view the decision.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 29182, and 30105, Penal Code; Section 8104, Welfare and Institutions Code.

§ 5517. 15 Day Period for the Department to Approve or Deny the Applicant's Request for a Unique Serial Number.

The Department will grant or deny the applicant's request for a unique serial number within 15 calendar days after it receives the application. The 15-day decision timeframe will begin when the applicant's completed CFARS application has been paid for and is submitted to CFARS to commence the firearms eligibility check.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 29180, 29182 and 30105, Penal Code.

Article 6. Deadlines, Instructions for Engraving the Unique Serial Number, and Instructions for Uploading Digital Images of Firearms.

§ 5518. Deadlines to Engrave the Unique Serial Number on the Firearm After Receiving the Electronic Approval Notice from the Department.

(a) After the applicant submits an online application, the Department shall notify the applicant of its approval or denial electronically. An automated email will be sent to the applicant notifying the applicant to log on to the applicant's CFARS account to view the determination letter.

(b) If the applicant's request for a unique serial number is approved, the applicant shall do the following:

(1) The applicant owning a self-manufactured or self-assembled firearm prior to July 1, 2018 shall engrave, cast, stamp (impress), or permanently place in a conspicuous location on the receiver or frame of the firearm the unique serial number issued by the Department within 10 calendar days of receiving the unique serial number from the Department. The applicant's date of receipt of the unique serial number shall be the date on the email containing the electronic notice that tells the applicant to log into the applicant's CFARS account to view the electronic correspondence sent by the Department.

(A) To show that the applicant has complied with the 10-day deadline, the applicant shall upload digital images pursuant to section 5521 of these regulations.

(B) If the applicant fails to engrave, cast, stamp (impress), or permanently place the unique serial number in a conspicuous location on the receiver or frame of the firearm and upload the required digital images before the end of the tenth day, the unique serial number will become invalid. At that point, the applicant will have to reapply to the Department and request another unique serial number. The applicant shall complete the reapplication process by January 1, 2019, or the firearm will fail to comply with the law.

(2) An applicant intending to manufacture or assemble a firearm on or after July 1, 2018, shall engrave, cast, stamp (impress), or permanently place in a conspicuous location on the receiver or frame of the firearm the unique serial number issued by the Department within 30 calendar days of receiving the unique serial number from the Department. The applicant's date of receipt of the unique serial number shall be the date on the email containing the electronic notice that tells the applicant to log into the applicant's CFARS account to view the electronic correspondence sent by the Department.

(A) The applicant shall only manufacture or assemble the firearm after the Department determines that the applicant is eligible to possess a firearm and issues the applicant a unique serial number.

(B) Within 10 calendar days of manufacturing or assembling the firearm, the applicant shall engrave, cast, stamp (impress), or permanently place in a conspicuous location on the receiver or frame of the firearm the unique serial number for the self-manufactured or self-assembled firearm. Hence, at the latest, the applicant shall finish manufacturing or assembling the firearm within 20 calendar days from the date the Department issued the applicant a unique serial number so that the applicant can complete the entire engraving process within the 30-day period prescribed by the Department.

(C) For firearms built on or after July 1, 2018, an applicant only has access to the Department-issued unique serial number for 30 days from the date of its issuance. If the applicant does not manufacture or assemble and engrave the firearm with its unique serial number within the 30 days provided by the Department, the unique serial number will become invalid and the applicant must reapply for a new unique serial number.

(D) If the applicant fails to upload the proper digital images of the firearm or does not properly apply the unique serial number to the firearm before the 30-day period expires, the applicant will have until the end of the thirtieth day to provide the correct information to the Department.

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

§ 5519. Special Requirements for Engraving, Casting, Stamping (Impressing), or Placing the Unique Serial Number on a Self-Manufactured or Self-Assembled Firearm Made from Polymer Plastic.

A firearm manufactured or assembled from polymer plastic on or after July 1, 2018, shall contain its unique serial number on 3.7 ounces of material type 17-4 PH stainless steel. This stainless steel piece shall be embedded within the plastic receiver or frame upon the firearm's manufacture or assembly.

Note: Authority cited: Section 29180, Penal Code. Reference: Section 29180, Penal Code.

§ 5520. Procedures to Engrave, Cast, Stamp (Impress), or Place the Unique Serial Number on the Self-Manufactured or Self-Assembled Firearm.

(a) The Department shall issue a unique serial number to the applicant only if the applicant is eligible to possess or own a firearm. Once the Department issues a unique serial number it shall be applied to the self-manufactured or self-assembled firearm as follows:

(1) Upon receiving a Department-issued unique serial number, the applicant may contact a Federal Firearms Licensed Manufacturer (type 07) to have the unique serial number applied to the firearm in a manner consistent with this section and federal law. However, a Federal Firearms Licensee is under no obligation to perform this work. The applicant may also use an unlicensed party to apply the unique serial number and other required markings to the firearm; however, the owner of the firearm shall not leave the firearm unattended with an unlicensed party. Finally, the applicant may personally apply the unique serial number to the firearm if the applicant complies with the requirements set out below in subsection (2) of this section. Proof of the engraved unique serial number on the firearm shall be given to the Department in the form of digital images of the newly serialized firearm. These digital images shall be submitted on CFARS in accordance with the digital image requirement noted in section 5521 of these regulations.

(2) The applicant shall legibly and uniquely mark and identify each self-manufactured or self-assembled firearm as follows:

(A) By engraving, casting, stamping (impressing), or otherwise permanently placing in a conspicuous location on the receiver or frame of the firearm or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof the unique serial number. The unique serial number shall be placed in a manner not susceptible of being readily obliterated, altered, or removed, and shall not duplicate any serial number placed by the unlicensed manufacturer on any other firearm. The engraving, casting, or stamping (impressing) of the serial number shall be to a minimum depth of .003 inch and in a print no smaller than 1/16 inch; and

(B) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof certain additional information that is mentioned below. This information shall be placed in a manner not susceptible of being readily obliterated, altered, or removed. The additional information shall include:

1. The model of the firearm, if such designation has been made;
2. The caliber or gauge of the firearm;
3. The manufacturer's first and last name as provided to the Department for recording purposes, when applicable; and

4. The city and state (or recognized abbreviation thereof) where the manufacturer made the firearm.

(3) The depth of all markings required by this section shall be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by paragraph (a)(2)(A) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).

(4) The Department shall deny the applicant's unique serial number application if it determines the above described marking requirements have not been met.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 11106, 29180 and 29182, Penal Code.

§ 5521. The Procedure to Submit Digital Images of the Self-Manufactured or Self-Assembled Firearm.

(a) Once the applicant applies the unique serial number and additional information in a conspicuous location on the self-manufactured or self-assembled firearm as required by section 5520 of these regulations, the applicant shall upload, onto CFARS, a total of four clear digital images of the firearm. These digital images shall clearly depict the firearm and its newly engraved serial number. The four digital images shall be taken as follows:

(1) One digital image shall be a close-up image of the engraved, cast, stamped (impressed), or permanently placed unique serial number and additional information, which shall be located on the receiver or frame of the firearm. This image shall encompass the entire unique serial number, so the Department can easily read it when it reviews this image.

(2) One digital image shall depict the entire firearm. This image shall be photographed horizontally and taken directly from above in a way that it captures the entire firearm. The image shall encompass either of the following:

(A) If it is a long gun the image shall capture everything from the end of the barrel to the end of the stock; or

(B) If it is a handgun the image shall capture the handgun from the point furthest from the end of the barrel to the opposite end of the handgun; or

(C) If it is a receiver or frame only, the entire firearm shall be depicted.

(3) The other two digital images shall show the left side of the receiver or frame and the right side of the receiver or frame. These locations are typically where firearms are marked when manufacturing is complete.

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

Article 8. Modifying the Firearm during the 30 Day Period after the Department Issues the Unique Serial Number.

§ 5522. Modifying the Firearm During the 30 day Period After the Department Issues the Unique Serial Number.

If the applicant wishes to make changes to the configuration of the firearm while the applicant is manufacturing or assembling the firearm, the applicant may do so as long as all changes are made within the 30-day period following the date the Department issued the unique serial number to the applicant. The applicant shall record all changes made to the firearm in the applicant's original unique serial number application in CFARS when reporting the firearm to the Department. The uploaded digital images shall reflect the final version of the firearm, including any changes that were made to it by the applicant.

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