

California Code of Regulations

Title 11, Division 5

Chapter 8 DROS Entry System (DES)

§ 4200. Title and Scope.

This chapter, which shall be known as the “DROS Entry System,” pertains to access and use of the DROS (~~Dealer’s~~ Dealer Record of Sale) Entry System (DES) for the submission of information concerning the sale, transfer or loan ~~or transfer~~ of firearms pursuant to Penal Code section 28205.

Note: Authority cited: Sections 28105 and 28155, Penal Code. Reference: Sections 16190, 26815, 27540, 28105, 28155, 28205, and 28220 ~~and 28225~~, Penal Code.

§ 4210. Terms of Use and Required Information.

(a) Firearms dealers and each of their ~~employees~~ authorized associates or salespersons who will use DES on behalf of the firearms ~~dealership~~ dealer must agree to the following “Terms of Use:”

(1) NON-LIABILITY

~~DOJ~~ The Department of Justice (Department) is not responsible for and will not have ~~no~~ liability for hardware, software, information, or other items or any services provided by any persons other than ~~DOJ~~ 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

I am the licensed firearms dealer Certificate of Eligibility (COE) holder (~~“Dealership COE Holder”~~), ~~or an employee~~ authorized associate or salesperson of the firearms dealer and am authorized to use DES on behalf of the firearms ~~dealership~~ dealer.

(3) ACCESS

The acquisition and maintenance of the device and software used to access the internet and interface with DES shall be the responsibility of each firearms dealer.

Each authorized associate or salesperson shall request and use his/her own DES account after the Dealer COE Holder has granted authorization. The DES enables the Dealer COE Holder to authorize the functions each user is able to access.

(~~3~~) (4) CONFIDENTIALITY AND UNAUTHORIZED USE

It is the responsibility of the user and the firearms ~~dealership~~ dealer to protect the confidentiality of the individual password selected by each user to access DES.

If a ~~dealership~~ Dealer COE Holder, authorized associate, or salesperson becomes aware that an unauthorized user has obtained access to DES, ~~the dealership~~ they must notify the ~~DROS Service Center~~ Customer Support Center immediately. Contact information is available upon logging into the DES account. Notwithstanding such notification, ~~DOJ~~ the Department shall not be liable for transaction charges fraudulently incurred on a DES account. ~~the account of this dealership.~~ It is the ~~dealership's~~ dealer's responsibility to pay these transaction charges.

(4) (5) TRANSACTIONS INVOLVING MULTIPLE FIREARMS

A transaction means a single sale, ~~lease, or~~ transfer, or loan of any number of firearms to one person at the same time. It is the responsibility of the user to indicate that a transaction consists of more than one firearm while entering DROS information for submission to ~~DOJ~~ the Department. If the user does not indicate the transaction consists of more than one firearm prior to submission, another DROS fee will be required for the additional firearms.

Upon submission of a DROS, the fee will be charged to the ~~dealership's~~ dealer's account. ~~DOJ~~ The Department will not provide refunds after submission and acceptance of a DROS.

(5) (6) TRUE AND ACCURATE INFORMATION

All of the information I submit to ~~DOJ~~ the Department through DES shall be true, accurate, and complete to the best of my knowledge.

(b) (1) To establish a DES user account as a ~~Dealership Dealer~~ Dealer COE Holder, who may sell, deliver or handle firearms, the following information must be provided:

- (A) Certificate of Eligibility (COE) number
- (B) California Firearms Dealer (CFD) number
- (C) Federal Firearms License (FFL) number
- (D) Unique personal ID number (must be same ID # used to obtain COE)
- (E) Complete name
- (F) Three identity verification questions/answers
- (G) User selected password

(2) To establish a DES user account as an ~~employee,~~ authorized associate or salesperson, who may sell, deliver or handle firearms, the following information must be provided:

- (A) Certificate of Eligibility (COE) number of dealer/employer
- (B) California Firearms Dealer (CFD) number of dealer/employer
- (C) Federal Firearms License (FFL) number of dealer/employer
- (D) Unique personal ID number (e.g. CDL number or CID number)
- (E) Complete name
- (F) Three identity verification questions/answers
- (G) User selected password

(3) To establish a DES user account as an authorized account associate, who shall not sell, deliver or handle firearms, the following information must be provided:

- (A) Certificate of Eligibility (COE) number of dealer/employer
- (B) California Firearms Dealer (CFD) number of dealer/employer
- (C) Federal Firearms License (FFL) number of dealer/employer
- (D) Unique personal ID number (e.g. CDL number or CID number)
- (E) Complete name
- (F) Three identity verification questions/answers
- (G) User selected password

(4) To establish a DES user account as an ammunition vendor, who may sell, deliver or handle ammunition, following information must be provided:

- (A) An ammunition vendor license
- (B) Unique personal ID number (e.g. CDL number or CID number)
- (C) Complete name
- (D) Three identity verification questions/answers
- (E) User selected password

(5) To establish a DES user account as an ammunition vendor associate, who shall not sell, deliver or handle ammunition, the following information must be provided:

- (A) An ammunition vendor license number of ammunition vendor
- (B) Unique personal ID number (e.g. CDL number or CID number)
- (C) Complete name
- (D) Three identity verification questions/answers
- (E) User selected password

Note: Authority cited: Sections 28105, 28155, and 28205 ~~28155~~, Penal Code. Reference: Sections 28105, and 28155, 28205, 28220, and 30395, Penal Code.

§ 4220. ~~System Access~~ Capturing Thumbprint of Purchaser/Transferee/Loanee.

~~The acquisition and maintenance of the device and software used to access the internet and interface with DES shall be the responsibility of each firearms dealership.~~

Pursuant to Penal Code section 28160, subdivision (b), the purchaser/transferee/loanee shall provide his/her right thumbprint on the delivered DROS document. The Dealer COE Holder, authorized associate, or salesperson will attempt to record the right thumbprint by using the pad on the last joint. The following exceptions shall be permitted:

(a) If the right thumbprint is unavailable, the acceptable print order is left thumbprint followed by any available digit of the right hand regardless if the digit is scarred or deformed. When taking a finger or thumbprint, use the pad from the last joint on the finger or thumb. The Dealer COE Holder, authorized associate, or salesperson must specify which print was used (e.g. left thumb, right index, et cetera) below the print.

If the available digit of the hand is scarred or deformed, the Dealer COE Holder, authorized associate, or salesperson shall write “Scar” or “Deformed” below the print.

(b) If digits of the hand are physically present but the pad of the last joint cannot be printed, Dealer COE Holder, authorized associate, or salesperson shall specify, “omit” in the fingerprint box and indicate reason (e.g. hospital/surgical bandages).

(c) With missing digits of the hand, the required print may be substituted as follows:

(1) When a portion of the digit pad of the last joint is present, it must be utilized; the Dealer COE Holder, authorized associate, or salesperson will write “Portion” below the print.

(2) Fully missing, when no portion of any digit pad of the last joint is present, the Dealer COE Holder, authorized associate, or salesperson will write “Missing” in the fingerprint box.

Note: Authority cited: Sections 28105, 28155 and 28205, Penal Code. Reference: Sections 28105, 28160, 28205, 28210 and 28220, ~~28220 and 28225~~, Penal Code.

§ 4230. Delivery of Firearms following DROS Submission and Suspension.

(a) ~~If ~~DOJ~~ the Department~~ determines the firearm purchaser/transferee/loanee is not prohibited by state or federal law from purchasing or possessing firearms, immediately following the conclusion of the ten-day waiting period, the status of the DES transaction record will change from “Pending” to “Approved.” The DES transaction record will also specify the 30-day period during which the firearm may be delivered to the approved purchaser/transferee/loanee.

(b) ~~A firearm may be delivered to the purchaser/transferee/loanee only if the status of the DES transaction record is “Approved” If the status is “Pending,” “Rejected,” “Delayed,” or “Denied,” the firearm shall not be delivered.~~ DES Transaction Record Status

(1) A firearm may be delivered to the purchaser/transferee/loanee only if the status of the DES transaction record is “Approved,” “Approval after Delay,” or “Undetermined.”

(A) An “Approved” status shall be designated for a Department approved application after the 10-day waiting period has concluded.

(B) An “Approval after Delay” status shall be designated when the Department approves an application to purchase a firearm after identifying a “Delayed” status.

(C) An “Undetermined” status shall be designated when 30 days has passed since the original transaction date and the Department is unable to determine a purchaser’s eligibility to own or possess firearms or is unable to determine whether the firearm involved in the sale/transfer/loan is stolen. Delivery of a firearm (sale/transfer/loan) from an “Undetermined” status shall be made at the discretion of the Dealer COE Holder, authorized associate, or salesperson.

(2) If the status is “Pending,” “Delayed,” or “Denied,” “Denial after Delay,” “DMV Reject,” or “30 Day Reject,” the firearm shall not be delivered.

(A) A “Pending” status shall be designated when the purchaser’s eligibility is under review during the 10-day waiting period.

(B) A “Delayed” status shall be designated when the Department is unable to determine the purchaser’s eligibility within the 10-day waiting period.

(C) A “Denied” status shall be designated when the Department reviews an application to purchase a firearm based on information provided by the applicant (e.g. name, date of birth, etc.) without fingerprint comparison and the applicant information is denied after the Department’s review of matching state and/or federal records.

- (D) A “Denial after Delay” status shall be designated when the Department denies an application to purchase a firearm after identifying a “Delayed” status.
- (E) A “DMV Reject” status shall be designated when an application is submitted with an invalid, suspended, revoked, or expired California Driver’s License or California Identification Card.
- (F) A “30 Day Reject” status shall be designated when an application is submitted to purchase more than one handgun in a 30-day period.
- (c) Immediately upon ~~Upon~~ delivery of the firearm, the ~~dealership Dealer~~ Dealer COE holder or Holder, an authorized ~~employee~~ associate, or salesperson of the ~~dealership dealer~~ dealer must access the DES delivery menu, locate the DROS transaction by the name of the purchaser/recipient/loanee or by the DROS number, ~~and then select~~ click on the “deliver firearm” “Deliver Gun” button to record the time and date the firearm is delivered.
- (d) If the “Deliver Gun” function is not used within the approved 30- day delivery period, one of the following shall occur:
- (1) If the firearm was delivered to the purchaser/transferee/loanee and it is within the approved delivery period, the Dealer COE Holder, authorized associate, or salesperson must contact the Customer Support Center by utilizing the contact information available upon logging into the DES account, to provide all of the following:
- (A) The date and time of the actual delivery of the firearm to the purchaser/transferee/loanee.
- (B) The DES account username of the Dealer COE Holder, authorized associate, or salesperson who delivered the firearm to the purchaser/transferee/loanee.
- (2) If the firearm was not delivered to the purchaser/transferee/loanee, the Dealer COE Holder, authorized associate, or salesperson shall cancel the transaction in the DES upon confirmation of non-delivery prior to the 31st day from the original transaction date.
- (e) Effective January 1, 2019, on the 31st day from an original transaction date, the DES will suspend accounts associated to the Dealer COE Holder(s), authorized associate(s), and salesperson(s) until delivery or cancellation information is updated in the DES for an incomplete transaction.

Note: Authority cited: Sections 28105, ~~and~~ 28155, 28160, and 28175, Penal Code. Reference: Sections 26815, 28105, 28155, 28160, 28175, 28205, 28210, 28215 and 28220 ~~and 28225~~, Penal Code.

§ 4240. Billing, Payment, and Suspension for Non-Payment.

- (a) Monthly billing statements for the previous month's DROS activity will be delivered electronically via DES to the ~~dealership's~~ dealer's account on the first day of each month.

- (b) Payment must be made using a major credit card, ~~or~~ debit card, or gift card with a major credit card logo. The balance due, as indicated on the monthly billing statement, must be paid in full within 30 days of the billing statement date (first day of month).
- (c) If payment for the previous month's DROS activity is not made within 30 days, the firearms ~~dealership's~~ dealer's DES account ~~access~~ (all Dealer COE Holders, ~~holders~~ authorized associates, and salespersons ~~employees~~) ~~to DES~~ will be suspended until full payment for the past due amount is received.

All other firearms dealer activities, including status on the Centralized List of Firearms Dealers, are unaffected by a suspension for non-payment.

- (d) While suspended, for any reason, a ~~dealership~~ dealer will be unable to submit DROS transactions, correct DROS transactions, cancel DROS transactions, and/or ~~may not~~ deliver firearms for which a DROS transaction was previously submitted. ~~All other firearms dealer activities, including status on the Centralized List of Firearms Dealers, are unaffected by a suspension for non-payment.~~

Note: Authority cited: Section 28225, Penal Code. Reference: Sections ~~26815, 27540,~~ 28105, 28205, 28220 and 28225, Penal Code.