

CALIFORNIA DEPARTMENT OF JUSTICE
TITLE 11. LAW
DIVISION 5. FIREARMS REGULATIONS
CHAPTER 3. CERTIFICATES OF ELIGIBILITY and CHAPTER 11. FIREARM
PRECURSOR PARTS

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

As authorized by Government Code section 11346.9, subdivision (d), the Department of Justice (“Department”) hereby incorporates the Initial Statement of Reasons (ISOR) prepared in this matter. The ISOR’s stated bases for the necessity of the proposed regulations continue to apply to the regulations as adopted.

The following modifications have been made to the initial proposed text of the regulations:

Section 4031

Subdivisions (b), (c) and (d) have been modified be consistent with existing regulations, as referenced.

Subdivision (e) has been updated to reflect text changes made without regulatory effect to the CCR subsequent to the public notice of this regulation.

Section 4035

Subdivision (a)(1) has been updated to reflect text changes made without regulatory effect to the CCR subsequent to the public notice of this regulation.

Section 4036

Subdivision (b)(1) has been updated to reflect text changes made without regulatory effect to the CCR subsequent to the public notice of this regulation.

Subdivision (b) and (b)(1)(A) has been edited to remove an unnecessary comma after the acronym “CAV.” This grammatical revision is a change without regulatory effect.

Section 4300

The Department hereby withdraws this section. This informational section was determined to be unnecessary.

Section 4301

Subdivision (g) is hereby withdrawn.

Section 4302

This section was added to the CCR by emergency action, effective March 4, 2022. This section has been included in the proposed text, without change, for completeness.

Section 4310

The Application for Firearm Precursor Part Vendor License (Non-Firearms Dealer or Ammunition Vendor), Form BOF 1106 (Orig. 04/2022), which is incorporated by reference, must be signed under penalty of perjury. The necessity for a signature under penalty of perjury is to impress upon applicants the seriousness and importance of signing the form, to attest to the accuracy and completeness of the information submitted, and to deter misrepresentations and submission of false information.

Section 4311

The Department hereby withdraws subdivision (b), with the intention to modify and resubmit this proposed regulation at a later date.

The Department modified form Firearm Precursor Part Vendor License Renewal Fee Transmittal, form BOF/PPV 0012 (Orig. 07/2022), incorporated by reference in subdivision (a), to include the word “please” before the timeframe advisory at the bottom of the form, to indicate that the statement is an advisory statement regarding administrative time to process the form, not a requirement on the vendor nor the Department.

Section 4313

The Department hereby withdraws section 4313, with the intention to modify and resubmit this proposed regulation at a later date.

Section 4314

The Department hereby withdraws section 4314, with the intention to modify and resubmit this proposed regulation at a later date.

SUMMARY OF COMMENTS AND DEPARTMENT RESPONSES

No comments were received during the 45-day comment period.

LOCAL MANDATE DETERMINATION

The proposed regulation does not impose any mandate on local agencies or school districts.

ALTERNATIVES DETERMINATIONS

In accordance with Government Code section 111346.9, subdivision (a)(4), the Department has determined that no alternative it considered, or that it otherwise identified, or was brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department has determined that the proposed regulations are the most effective way to implement a firearm precursor part vendor licensing program. The proposed regulations are modeled after existing regulations governing the licensing of ammunition vendors. By modeling

existing processes, the proposed regulations efficiently implement AB 879 in a way that is already familiar to the regulated community.

ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

The Department finds that no reasonable alternatives were presented to, or considered by, the Department that would lessen any adverse impact on small business.

DOCUMENTS INCORPORATED BY REFERENCE

- Application for Firearm Precursor Part Vendor License, BOF 1106 (Orig. 04/2022)
- Firearm Precursor Part Vendor License Renewal Fee Transmittal, BOF/PPV-0012 (Orig. 07/2022)

The above forms are incorporated by reference because it would be cumbersome, unduly expensive, or otherwise impractical to publish the forms in the California Code of Regulations. During the rulemaking proceeding, the forms were made available upon request, and were available for viewing on the Department's website.

NON-DUPLICATION

Some of the regulations may repeat or rephrase in whole or in part a state or federal statute or regulation. This was necessary to satisfy the clarity standard set forth in Government Code section 11349.1, subdivision (a)(3).