

CALIFORNIA DEPARTMENT OF JUSTICE

**TITLE 11. LAW
DIVISION 5. FIREARMS REGULATIONS
CHAPTER 2. CENTRALIZED LIST OF FIREARMS DEALERS**

UPDATED INFORMATIVE DIGEST

After the initial 45-day public comment period, modifications were made to the text of the originally proposed regulations. Subsequently, notice for public comment was provided for an additional 15-day comment period. As a result of these modifications, the effect of the proposed rulemaking has been changed from that described in the Notice of Proposed Regulatory Action as follows.

§ 4015. Notification of Preliminary Inspection Findings.

In subdivision (a), “The preliminary finding of all dealer inspections shall be recorded on the Notification of Inspection Findings (Form BOF 08-022)” was deleted. In its place in subdivision (a), the following language was added “The Department will notify the dealer in writing of the preliminary findings of the inspection (also referred to as the preliminary findings document) as soon as possible upon completion of the inspection. The preliminary findings document will include the following: (1) Potential violations, (2) Potential remedial actions. (3) Date of the Inspection, and (4) Name of Department Representative. A citation may be subsequently issued pursuant to section 4016.”

Twice, in subdivision (b), the reference to “a completed Form BOF 08-022” was deleted. The following language was added “the preliminary findings document.” In subdivision (b), (3), the reference to “Form BOF 08-022” was deleted. The following language was added “the preliminary findings document.” Also in subdivision (b)(3), two references to “form” were deleted and “document” was added.

§ 4016. Citations and Civil Fines.

In subdivision (a), subsection (4), “(ii) The compliance date is stayed when an appeal is pending pursuant to section 4020. Appeals shall be conducted in accordance with the Administrative Procedure Act (Government Code section 11500 et seq.); and” was added.

In subdivision (a), subsection (6) was added. It states “(6) The dealer shall notify the Department of the completed corrective action in a manner prescribed by the Department on the citation. The manner prescribed shall be on a case by case basis and the factors include but are not limited to, the nature and complexity of the violation, dealer’s history of compliance, and the number of violations.”

In subdivision (d), “In the instances where the Department determines that the violation cannot be reasonably corrected in 30 calendar days pursuant to subdivision (a)(4)(i), the payment due date for the civil fine shall be the compliance date” was added.

§ 4017. Violation Level.

In subdivision (b), subsections (3-5), “(3) Good faith efforts exercised by the dealer to prevent the violation from occurring; (4) Evidence that the violation was a part of a pattern or practice; and (5) The dealer’s history of compliance with statutes and regulations” were deleted.

§ 4020. Appeals.

In subdivision (a), “civil fine” was replaced with “citation.”

In subdivision (a), “Civil fines are stayed if a timely appeal is received” was added.

BOF 1050 Firearm Dealer Violation List

Under Level 1, the reference to Penal Code section 26880, “Misstatement of Government Fees” and Penal Code 29830, subdivision (c), “Failure to report prohibited storage of firearm(s), ammunition, or ammunition feeding device(s)” were deleted.

Under Level 1, the description for Penal Code section 26840, subdivision (a), California Code of Regulations, title 11, section 4254, subdivision (g), was corrected from “Firearms Safety Certificates are not signed” to “Invalid Firearms Safety Certificates.”

Under Level 2, the reference to Penal Code section 31635, California Code of Regulations, title 11, section 4259 “Firearms Safety Certification Instructor Certificate does not meet requirements” was deleted.

Under Level 2, a violation of Penal Code section 26920, “Failure to provide proof of completion of annual training and certification” was added.

Under Level 2, the following violations were added:

- Missing Dealer Record of Sale of Worksheets (Cal. Penal Code 28215).
- Missing/invalid Large Capacity Magazine Permit (Cal. Penal Code 32315).
- Missing or Invalid Secondhand Dealer license (Cal. Bus. & Prof. Code 21640).
- Copies of valid and signed Firearms Safety Certificates are not retained (Cal. Penal Code 26840(a); 11 CCR 4254(g)).
- Copy of Firearm Safety Certificate exemption is not retained (Cal. Penal Code 31700).
- Incomplete or missing safe handling affidavits (Cal. Penal Code 26850).
- Invalid or missing proof of residency documentation for handgun transactions (Cal. Penal Code 26845).
- Misstatement of Government Fees (Cal. Penal Code 26880).
- Failure to report prohibited storage of firearm(s), ammunition, or ammunition feeding device(s) (Cal. Penal Code 29830 (c)).
- Licensee did not notify DOJ upon delivery of firearm following conclusion of waiting period (Cal. Penal Code 28255).

Under Level 3, the following violations were deleted:

- Missing proof of age for Firearms Safety Certificate Applicant (11 CCR 4245(a)).
- Missing Dealer Record of Sale of Worksheets (Cal. Penal Code 28215).
- Missing/invalid Large Capacity Magazine Permit (Cal. Penal Code 32315).
- Missing or Invalid Secondhand Dealer license (Cal. Bus. & Prof. Code 21640).
- Incorrect, incomplete or missing information documented in Federal Acquisition and Disposition Record Book (Cal. Penal Code 28100).
- Licensee did not notify DOJ upon delivery of firearm following conclusion of waiting period (Cal. Penal Code 28255).
- Copy of valid and signed Firearms Safety Certificates are not retained (Cal. Penal Code 26840(a); 11 CCR 4254(g)).
- Copy of Firearm Safety Certificate exemption is not retained (Cal. Penal Code 31700).
- Incomplete or missing safe handling affidavits (Cal. Penal Code 26850).
- Invalid or missing proof of residency documentation for handgun transactions (Cal. Penal Code 26845).

Under Level 3, the description for Penal Code section 27535 was corrected from “Failure to maintain a copy of exemption for one firearm purchase per 30-day period” to “Failure to maintain a copy of exemption for three firearms purchased per 30-day period.”

Under Level 3, a violation of Penal Code section 27595, subsection (c) “Failure to maintain semiautomatic machinegun-convertible pistol exemption records” was added.

Under Level 4, a violation of Penal Code section 27595, subsection (a) and subsection (b), subdivision (1) “Sale, exchange gift, transfer, or delivery of any semiautomatic machinegun-convertible pistol without an applicable exemption” was added.

BOF 1112 Firearm Dealer Appeals Form

On page one in the first paragraph, “Firearm dealers who are granted an extension to correct a Level 1 or Level 2 violation have an additional 30 days from new correction due date to file a timely appeal” was corrected to “Firearm dealers who are granted an extension to correct a Level 1 or Level 2 violation have an additional 30 days from the issuance of the new correction due date to file a timely appeal.”