

CALIFORNIA DEPARTMENT OF JUSTICE

**TITLE 11. LAW
DIVISION 5. FIREARMS REGULATIONS
CHAPTER 10. AMMUNITION**

INITIAL STATEMENT OF REASONS

PROBLEM STATEMENT

Assembly Bill (AB) 28 (stats. 2023, ch. 231) amended Penal Code section 30395 to, in part, require applicants to provide a copy of a valid seller's permit issued by the California Department of Tax and Fee Administration (CDTFA) and a valid certificate of registration issued pursuant to Revenue and Taxation Code section 36036 in order to obtain an ammunition vendor license. Additionally, Department of Justice (Department) Field Representatives often need confirmation of whether a prospective ammunition vendor's physical location is a business or residence, as the physical location type will aid personnel in planning their inspections in terms of scheduling, availability, resource allocation, and access considerations, providing for better situational awareness and making inspections more structured and efficient.

The proposed regulation would address the above issues by amending section 4260 and both the Application for Ammunition Vendor License (Non-Firearms Dealer), form BOF 1021, and the Ammunition Vendor License Renewal Fee Transmittal, form BOF/CAV-0012, which are incorporated by reference. Initial and renewal applicants will be required to provide documentation of, and information pertaining to, the CDTFA seller's permit and certificate of registration issued. Applicants will also be required to state whether their physical location is a business or residence.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

The proposed regulation updates the procedure for persons applying to become licensed ammunition vendors in California and for persons applying for renewal of their ammunition vendor license. This regulation protects public safety by implementing statutory requirements concerning documentation the Department requires before issuing or renewing an ammunition vendor license to an eligible applicant. In addition, the proposal will benefit worker safety by helping ensure the safety of Department Field Representatives. The physical location type information will aid in planning their inspections in terms of scheduling, availability, resource allocation, and access considerations, providing for better situational awareness and making inspections more structured and efficient.

The proposed regulatory action would provide for compliance with recent statutory changes, consistency among Department forms, and the safety of Department Field Representatives. Penal Code section 30395 requires applicants for an ammunition vendor license to provide a copy of a valid CDTFA seller's permit and valid certificate of registration, and the proposed regulatory action would incorporate these requirements into the form BOF 1021 and form BOF/CAV-0012. Also, the amendment of the form BOF 1021 and form BOF/CAV-0012 to require applicants to

provide vendor physical location type information would provide for consistency between the form BOF 1021, form BOF/CAV-0012 and form BOF 4080, Application for Centralized List of Firearms Dealers, which already requires said information. The information would aid Field Representatives in planning their inspections in terms of scheduling, availability, resource allocation, and access considerations, providing for better situational awareness and making inspections more structured and efficient.

SPECIFIC PURPOSE AND NECESSITY OF EACH SECTION

§ 4260. Ammunition Vendor License Applications.

Subdivision (a) is revised to add “Application for.” This revision is necessary to specify the correct title on the form BOF 1021, which is incorporated by reference into the regulation.

Subdivision (a) is also revised to replace “12/2019” with “03/2026.” This revision is necessary to specify the current revision date of the form BOF 1021.

Subdivision (a) is also revised to add “each of,” “documents, as applicable,” “pursuant to section 6067 of the Revenue and Taxation Code,” and “valid certificate of registration issued pursuant to section 36036 of the Revenue and Taxation Code.” These revisions are necessary to conform the regulation to revised Penal Code section 30395, subdivision (a), which requires applicants to provide a copy of each of the documents listed when applying for an ammunition vendor license. Including the statutory requirements in the regulation is necessary for clarity so that all procedures are in one place.

Subdivision (b) is revised to replace “Orig. 01/2028” with “Rev. 03/2026.” This revision is necessary to specify the current revision date of the form BOF/CAV-0012.

The authority and reference section is amended to add “30342” in reference to Penal Code section 30342.

BOF 1021

The form BOF 1021 is revised to require the applicant to indicate whether the vendor’s physical location type is a business or residence. This revision is necessary because Department Field Representatives are often unable to determine whether a prospective ammunition vendor is operating from a place of residence. Not having that information could hinder adequate planning because different planning efforts are necessary depending on location. The physical location type information will aid said personnel in planning their inspections in terms of scheduling, availability, resource allocation, and access considerations, providing for better situational awareness and making inspections more structured and efficient.

The form is also revised to replace “California Board of Equalization Seller’s Permit Number” with “CDTFA Seller’s Permit Number.” This revision is necessary so that the form conforms to the statutory changes mandated by AB 28.

The form is also revised to add the “CDTFA Firearm and Ammunition Excise Tax (FET) Certificate of Registration Number” field. This revision is necessary so that the form conforms to the statutory changes mandated by AB 28.

The instructions in the BOF 1021 are also revised to incorporate the proposed changes to the form. These revisions are necessary to provide accurate information to applicants regarding how to complete the form.

Changes without regulatory effect. The Bureau of Firearms seal on the top of the form was deleted, and the Department seal was updated. The form’s privacy notice is also non-substantively revised to update contact information for the Department’s Ammunition Vendor Licensing Unit.

BOF/CAV-0012

The form BOF/CAV-0012 is revised to require the applicant to indicate whether the vendor’s physical location type is business or residential. This revision is necessary because Department Field Representatives are often unable to determine whether a prospective ammunition vendor is operating from a place of residence. Not having that information could hinder adequate planning because different planning efforts are necessary depending on location. The physical location type information will aid said personnel in planning their inspections in terms of scheduling, availability, resource allocation, and access considerations, providing for better situational awareness and making inspections more structured and efficient.

The form is also revised to replace “California Board of Equalization Seller’s Permit Number” with “California Department of Tax and Fee Administration (CDTFA) Seller’s Permit Number.” This revision is necessary so that the form conforms to the statutory changes mandated by AB 28.

The form is also revised to add the “CDTFA Firearm and Ammunition Excise Tax (FET) Certificate of Registration Number” field. This revision is necessary so that the form conforms to the statutory changes mandated by AB 28.

“Allow 20 business days to process the renewal” is deleted because there is no deadline for the Department to process a renewal.

The note “Not receiving a renewal notice does not remove a vendor from responsibility of timely payment” is deleted to reduce confusion. The Department cannot process a renewal without the application itself. If the renewal fee is not included, the Department follows up with the vendor.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department concludes:

(1) It is unlikely that the proposal would create or eliminate jobs within the state because the proposed regulation only updates the procedure for persons applying to become licensed

ammunition vendors in California and for persons applying for renewal of their ammunition vendor license.

(2) It is unlikely that the proposal would create new businesses or eliminate existing businesses within the state because the proposed regulation only updates the procedure for persons applying to become licensed ammunition vendors in California and for persons applying for renewal of their ammunition vendor license.

(3) It is unlikely that the proposal would result in the expansion of businesses currently doing business within the state because the proposed regulation only updates the procedure for persons applying to become licensed ammunition vendors in California and for persons applying for renewal of their ammunition vendor license.

The Department also concludes that:

(1) The proposal would benefit the health and welfare of California residents by updating the initial and renewal applications for persons applying to become licensed ammunition vendors in California and for persons applying for renewal of their ammunition vendor license. Form BOF 1021, the Application for Ammunition Vendor License (Non-Firearms Dealer), and form BOF/CAV-0012, the Department of Justice Ammunition Vendor License Renewal Fee Transmittal, have been updated to comply with statutory changes mandated by AB 28.

(2) The proposal would benefit worker safety by helping ensure safer conditions for Department Field Representatives. The proposal will aid Field Representatives in planning their inspections in terms of scheduling, availability, resource allocation, and access considerations, providing for better situational awareness and making inspections more structured and efficient.

(3) The proposal would not benefit the state's environment because it would not change any applicable environmental standards

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR SIMILAR DOCUMENTS RELIED UPON

The Department did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing these regulations.

EVIDENCE SUPPORTING DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the proposed action would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulation updates the initial and renewal applications for persons applying to become licensed ammunition vendors in California and for persons applying for renewal of their

ammunition vendor license. The applications have been updated to conform to statutory changes made by AB 28 and to report whether the vendor's physical location is business or residential.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Department finds that no reasonable alternatives were presented to, or considered by, the Department that would lessen any adverse impact on small business. Requiring ammunition vendor applicants to apply and renew their license via the prescribed forms is the easiest way to make sure that the vendor provides all required information. Ammunition vendors are already familiar with completing these forms.

REASONABLE ALTERNATIVES TO THE PROPOSED ACTION AND THE AGENCY'S REASON FOR REJECTING THOSE ALTERNATIVES

The Department finds that no alternatives were presented to, or considered by, the Department that would be more effective in carrying out the purpose of these proposed regulations or would be as effective and less burdensome to affected private persons than these proposed regulations.

Performance Standard as Alternative:

The proposed regulations do not mandate the use of specific technologies or equipment. The proposed regulation requires applicants to provide necessary information on forms prescribed by the Department. Applicants are already familiar with submitting the form BOF 1021 and the form BOF/CAV-0012 to the Department when applying to become a licensed ammunition vendor in California and when applying for renewal of their ammunition vendor license. Updating the forms to comply with statutory changes mandated by AB 28 is the least burdensome method to ensure ammunition vendor license applicants provide all required information to the Department.