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# Surplusrifle.com's FFL 03 Curios & Relics: A Primer

## FFL 03 FAQ: aka Questions Posted to ATF.....

Article Written by: R. Ted Jeo

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(WARNING: these are **verbatim** questions and answers posted to ATF on the date indicated. Over time, the answers may change because of changes in laws or regulations)

To read more about what and how to obtain an FFL 03 Curio & Relic license [click here](#).

To read more FFL 03 FAQ Questions Posted to ATF [click here](#).

Oct. 2005

Q: I was wondering about the ATF required bound book for C&R license holders. Is it okay to use a loose leaf binder to hold pages? Is it okay to use electronic records (not printed)? Or does the book have to be a REAL bound book, like a journal?

A: A "bound book" is a permanently bound book or an orderly arrangement of loose-leaf pages which must be maintained on the business premises. In either event, the format must follow that prescribed in the regulations and the pages must be numbered

consecutively. [27 CFR 178.125]

The Government does not sell a record book for licensees to use in recording their receipts and dispositions of firearms. Certain trade associations have them available at nominal cost. Your supplier should be able to tell you about this.

The Regional Director (Compliance) or other designated ATF official must approve a request for a recordkeeping variance before the licensee may use a computer system in lieu of the "bound book" record required by the regulations. [27 CFR 178.22 and 178.125 (h)]

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April 2005

Q: On the F7CR, there are several statements at the end that need to be "...read and initial each box". What if you only check the box instead? Is this a fatal error? I am pretty sure that I didn't initial mine, I just checked them.

A: If there is anything incorrect on the forms you will get correspondence requesting the correction.

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April 2005

Q: A friend's dad has a couple of C&R rifles and wants to give them to his son. The dad is in Montana and the son is in Virginia. I have a C&R, can I act as a go between, having the father ship the rifles to me and then I give them to the son? Or can the dad just ship them directly to the son without any paperwork/licenses, or does he have to go through an 01 licensee?

A: A person may sell a firearm to an unlicensed resident of his or her state, if the buyer is not prohibited by law from receiving or possessing a firearm, or to a licensee in any state. A firearm other than a curio or relic may not be transferred interstate to a licensed collector. [18 U.S.C 922(a)(3) and (5), 922(b)(3), 27 CFR 178.29]

A person not licensed under the GCA and not prohibited from acquiring firearms may purchase a firearm from an out-of-state source and obtain the firearm if an arrangement is made with a licensed dealer in the purchaser's state of residence for the purchaser to obtain the firearm from the dealer. [18 U.S.C 922(a)(3) and (5), 922(b)(3), 27 CFR 178.29]

The transaction must go through a licensed dealer in his son's State. You are not a dealer and therefore should not get involved.

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April 2005

Q: With a C&R license, CAN or DOES ATF come for inspections to your home?

A: Pursuant to 27 CFR 478.23 (Right of entry and examination): (a) Except as provided in paragraph (b), any ATF officer, when there is reasonable cause to believe a violation of the Act has occurred and that evidence of the violation may be found on the premises of any licensed manufacturer, licensed importer, licensed dealer, or licensed collector, may, upon demonstrating such cause before a Federal magistrate and obtaining from the magistrate a warrant authorizing entry, enter during business hours (or, in the case of a licensed collector, the hours of operation) the premises, including places of storage, of any such licensee for the purpose of inspecting or examining:

- 1.) Any records or documents required to be kept by such licensee under this part and
- 2.) Any inventory of firearms or ammunition kept or stored by any licensed manufacturer, licensed importer, or licensed dealer at such premises or any firearms curios or relics or ammunition kept or stored by any licensed collector at such premises.

(c) Any ATF officer, without having reasonable cause to believe a violation of the Act has occurred or that evidence of the violation may be found and without demonstrating such cause before a Federal magistrate or obtaining from the magistrate a warrant authorizing entry, may enter during hours of operation the premises, including places of storage, of any licensed collector for the purpose of inspecting or examining the records, documents, firearms, and ammunition referred to in paragraph (a) of this section (1) for ensuring compliance with the recordkeeping requirements of this part not more than once during any 12-month period or (2) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation. At the election of the licensed collector, the annual inspection permitted by this paragraph shall be performed at the ATF office responsible for conducting such inspection in the closest proximity to the collector's premises.

(d) The inspections and examinations provided by this section do not authorize an ATF officer to seize any records or documents other than those records or documents constituting material evidence of a violation of law. If an ATF officer seizes such records or documents, copies shall be provided the licensee within a reasonable time.

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May 2005

Q: I was wondering...all the license forms are sent to Atlanta for processing. Is all the processing handled in Atlanta only, or are applications sent out to other offices? Are the applications processed by geographic area (states) or as they come in, first come first served?

A: Business license applications (and some curios/relics depending on the State) are sent to the local ATF office for inspection purposes. All applications are processed in the order received.

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May 2005

Q: Let's say I've sent out my C&R out to several companies to be put on their mailing list. They keep the licenses on file for when I order. One of the companies turns out to be a disreputable dealer how is nothing but trouble, say he's a con artist. Should I report that dealer to ATF, should I be worried that he has a copy of my FFL?

A: If you have evidence a dealer is breaking the law you should report it to your local ATF. A license is only good at the licensed premises. There is no need to worry on them having a copy of your FFL with your signature.

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May 2005

Q: I have both a C&R pistol and a C&R rifle that I want to send across country to a gunsmith to do some custom work on.

1. Do I need to log them as dispositions in my bound book until I get them back?
2. Do I need to use my 03 FFL or a dealers license 01 FFL to send them to the gunsmith?

A:

1. Yes you must log them off your bound book when you ship them and log them on when received back.
  2. If they are C&R firearms your C&R license will suffice for the transfer.
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June 2005

Q: Is there an email address that I can use to send questions about C&R issues to your firearms technical division, sort of someone in the same sort of position that you are in? I wrote a letter (mailed) several months ago and have not gotten a reply back.

A: You can contact the ATF's Firearms Technology Branch at:

244 Needy Road  
Martinsburg, WV 25401  
Telephone: (304) 260-5476  
Fax: (304)260-1701

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August 2005

Q: I heard that using a FAX copy of a C&R license is now legal to complete C&R sales between licensees. What is required to do this?  
How do I verify/certify the faxed license from someone else that I am selling a C&R firearm to?

A: It is in the August newsletter. You can access it on the ATF website:  
<http://www.atf.gov/firearms/newsletter/index.htm>.

Note: I discussed this matter with a couple of C&R wholesalers. They would NOT accept a FAX'd C&R. NOT because ATF would not allow them, but because verification of the license would fall on the seller's shoulders and to verify a 03 C&R has to be done by phone and cannot be done online like an 01 FFL. Individual sellers may do things differently.

Q: In the newsletter, they say to use the FFLeZ to verify the license, yet the FFLeZ cannot be used for 03 type licenses. How should transactions between 03 only collectors be verified?

A: You can verify an 03 license by contacting the toll free number provided on FFL eZ Check.

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August 2005

Q: If I have a DoD "Secret" or higher clearance rating, can I mention that in my C&R Form 7 application to help speed things along faster to get the license?

A: Your clearance will have no bearing on this application. We are required by law to perform a background check. All applications are treated in the same way.

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Sept. 2005

Q: A shipping question.

Can a 01 FFL dealer legally send via the US mail a C&R handgun to a 03 licensee? There is a USPS form for shipping firearms, but the form uses the term "dealer" rather than "licensee" on it. The fact that 03's are collectors only makes the form not usable for C&R handgun transfers between 03 licensees? Or is it still permissible? Should the sender scratch out "dealer" and put "collector"?

A: Subject to other applicable provisions of the law and regulations, a collector's license entitles its holder to transport, ship, receive and acquire curios or relics in interstate or foreign commerce and to dispose of curios or relics in interstate or foreign commerce to any other Federal firearms licensee.

Handguns are not mailable through the US Postal Service. A common or contract carrier must be used to ship a handgun.

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Sept. 2005

Q: There are some machineguns (full auto) that are listed on the C&R list from ATF (comes with the "welcome" license package). (example original BAR full auto rifle). Does this mean that if I have a C&R license, I can just buy one of those C&R qualified machineguns? What do I have to do to get one, besides have a ton of cash on hand?

A: There are three different categories of curio/relic related NFA firearms. It depends under which category the firearm is listed. At the beginning of each section it specifies what the requirements are (if any) for the collector to purchase the firearm.

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Sept. 2005

Q: My C&R will be expiring soon (like on the 1st of month). I have not decided whether to renew it or not, in the mean time, can I use it to make purchases up to the date it expires, even though I may not have the weapon in hand until AFTER the license expires?

A: The license is good until the expiration date.

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August 2005

Q: Must a surplus military firearm be in its original configuration to be "C&R" eligible?

A: Yes, and relevant information can be found in ATF ruling 85-10 (see below)

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August 2005

Q: If a C&R rifle is modified by the owning country into a military rifle would it still be C&R?

A: If it falls into any of the three qualifying categories it is a C&R (see 27 CFR 478.118 (formerly 178.118).) (See below)

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August 2005

Q: Is a barreled action a C&R?

A: No, see ruling 85-10 (see below)

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August 2005

Q: Can a C&R licensee give a firearm away as a gift?

A: The Gun Control Act of 1968 (GCA) allows for the purchase of firearms as gifts. If the particular firearm is from your collection, you must ensure that its disposition is properly recorded.

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August 2005

Q: What should a spouse of a licensee do if the licensee dies?

A: The GCA provides instruction for the conduct of business and disposition of firearms held in a licensed firearm business. Regulation CFR Section 478.93 (formerly 178.93) states the following pertaining to holders of C&R licenses:

...The license issued to a collector of curios or relics under the provisions of this part shall cover only transactions by the licensed collector in curios and relics. The collector's license is of no force or effect and a licensed collector is of the same status under the Act and this part as a non licensee with respect to (a) any acquisition or disposition of firearms other than curios or relics, or any transportation, shipment, or receipt of firearms other than curios or relics in interstate or foreign commerce, and (b) any transaction with a non licensee involving any firearm other than a curio or relic...

Further, since you are not a licensed dealer, the firearms you acquire are considered your personal collection: Thus, if the C&R holder were to die, the inheritor would take possession of the firearms as a personal collection. (you may wish to check further concerning State/Local law affecting inheritance of firearms).

#### NOTES:

##### 27 CFR 478.11 (formerly 178.11)

As set out in Federal regulations, C&R firearms include those which have a special value to collectors because they “possess some qualities not ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons”. To be recognized as C&R items, firearms must fall into one of the following categories:

1. Have been manufactured at least 50 years prior to the current date (this does not include firearm replicas);
2. Be certified by the curator of a municipal, State or Federal museum which exhibits firearms to be curios or relics of museum interest; or
3. Derive a substantial part of their monetary value from the fact that they are novel, rare, or bizarre, or from the fact of their association with some historical figure, period, or event.

##### 27 CFR 178.118: Importation of certain firearms classified as curios or relics (Also 178.11 and 178.26)

Surplus military firearms frames or receivers alone not specifically classified as curios or relics by ATF will be denied importation.

##### ATF Rul. 85-10

Section 233 of the Trade and Tariff Act of 1984, 98 Stat 2991, amended Title 18 United States Code, section 925 to allow licensed importers to import firearms listed by the Secretary as curios or relics, excluding handguns not generally recognized as particularly suitable for or readily adaptable to sporting purposes. The amendment had the effect of allowing the importation of surplus military curio or relic firearms that were previously prohibited from importation by 18 USC section 925 (d)(3).

Congressional intent was expressed by Sen. Robert Dole in 130 Cong. Rec. S2234 (daily ed., Mar. 2 1984), as follows:

First. This provision is aimed at allowing collectors to import fine works of art and other valuable weapons.

Second. This provision would allow the importation of certain military surplus firearms that are classified as curios and relics by regulations of the Secretary of the Treasury.

Third. In order for an individual or firm to import a curio or relic it must first be put on a list by petitioning the Secretary of the Treasury. The Secretary must find the firearm's primary value is that of being a collector's item.

Fourth. The only reason a person would purchase these firearms is because of their peculiar collector's status. And, in fact, they must be special firearms and classified as

such in order to import. This language clearly shows that Congress intended to permit the importation of surplus military firearms of special interest and value to collectors and recognized by ATF as meeting the curio or relic definition in 27 CFR 178.11. The regulation defines “curios or relics” as firearms of “special interest to collectors by reason of some quality other than is ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons.” The regulation further defines curios or relics to include “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.”

In classifying firearms as curios or relics under this regulation, ATF has recognized only assembled firearms as curio or relics. Moreover, ATF’s classification of surplus military firearms curios or relics has extended only to those firearms in their original military configuration. Frames or receivers or curios or relics and surplus military firearms not in their original military configuration were not generally recognized as curios or relics by ATF since they were not of special interest or value as collector’s items.

Specifically, they did not meet the definition of curio or relic in section 178.11 as firearms of special interest to collectors by reasons of a quality other than is ordinarily associated with sporting firearms or offensive or defensive weapons.

Furthermore, they did not ordinarily have monetary value as novel, rare, or bizarre firearms; nor were they generally considered curio or relics because other association with some historical figure, period or event. It is clear from the legislative history that Congress did not intend for the frames or receivers alone of surplus military firearms, or any other surplus military firearms not in their original military configuration, to be importable under section 925 (e). It is also clear that only those firearms classified by ATF as curios or relics were intended to be approved by ATF for importation.

Held, to be importable under 18 USC section 925 (e), surplus military firearms must be classified as curios or relics by ATF. Applications by licensed importers to import frames or receivers alone of surplus military curio or relic firearms will not be approved under section 925 (e). Surplus military firearms will not be classified as curios or relics unless they are assembled in their original military configuration, and applications for permits to import such firearms will not be approved.

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