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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 478

[Docket No. ATF 8F; AG Order No. -]

RIN 1140-AA26

Implementation of the Child Safety Lock Act of 2005 (2005R-16P)

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Justice.

ACTION: Interim final rule with request for comments.

SUMMARY: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to implement the provisions of the Child Safety Lock Act of 2005. In general, this statute makes it unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person, other than another licensee, unless the transferee (buyer) is provided with a secure gun storage or safety device for that handgun. In accordance with this provision, this interim regulation will require that, prior to transferring a handgun to a nonlicensed individual, the licensed importer, licensed manufacturer, or licensed dealer certify that the transferee has been provided with a secure gun storage or safety device for the handgun. The transferor will be required to make this certification on, or attach a certification to, the Firearms Transaction Record (ATF Form 4473).

DATES: *Effective date:* This interim rule is effective [Insert date of publication in the FEDERAL REGISTER].

Comment date: Comments must be submitted on or before [Insert date 90 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: Send comments to any of the following addresses—

- James P. Ficaretta, Program Manager; Room 5250; Bureau of Alcohol, Tobacco, Firearms, and Explosives; P.O. Box 50221; Washington, DC 20091-0221; *ATTN: ATF 8F*.
- 202-927-0506 (facsimile).
- interimrule@atf.gov (e-mail).
- http://www.atf.gov/regulations/final-interim/index.htm. An online comment form is posted with this interim rule on ATF's web site.
- http://www.regulations.gov. Federal e-rulemaking portal; follow instructions for submitting comments.

You may also view an electronic version of this interim rule at the http://www.regulations.gov site.

See the Public Participation section at the end of the **SUPPLEMENTARY INFORMATION** section for instructions and requirements for submitting comments, and for information on how to request a public hearing.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S.

Department of Justice; 650 Massachusetts Avenue, NW., Washington, DC 20226, telephone (202) 927-8203.

SUPPLEMENTARY INFORMATION:

I. Background

Public Law 105-277 Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999

On October 21, 1998, Public Law 105-277 (112 Stat. 2681), Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 ("the Act"), was enacted. The Act amended 18 U.S.C. 923(d)(1) of the Gun Control Act (GCA) to require, with certain exceptions, applicants for dealer's licenses to certify that secure gun storage or safety devices will be available at any place where firearms are sold to nonlicensees. This requirement does not apply in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee.

The Act also amended section 923(e) of the GCA to provide for license revocation of any Federal firearms licensee who fails to have gun safety devices available at any place where firearms are sold to nonlicensees, subject to the same exceptions noted above.

The Act defined the term "secure gun storage or safety device" in 18 U.S.C. 921(a)(34) to mean: (1) A device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; (2) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or (3) a safe, gun safe, gun case, lock

box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

The provisions of the Act relating to secure gun storage became effective on April 19, 1999.

II. Interim Rule--Implementation of the Child Safety Lock Act of 2005, Section 5 of Public Law 109-92

On October 26, 2005, Public Law 109-92 (119 Stat. 2095), the Protection of Lawful Commerce in Arms Act, was enacted. Section 5 of Public Law 109-92, entitled the Child Safety Lock Act of 2005 (CSLA), amended the GCA. The stated purposes of the CSLA are—

(1) To promote the safe storage and use of handguns by consumers;

(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun; and

(3) To avoid hindering industry from supplying firearms to law abiding citizens for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

The CSLA amended the GCA by adding a new section, 18 U.S.C. 922(z), that makes it unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person, other than another licensee, unless the transferee (buyer) is provided with a secure gun storage or safety device for that handgun. This provision does not apply to:

(1) The manufacture for, transfer to, or possession by, the United States, a department or agency of the United States, a State, or a department, agency, or political subdivision of a State, of a handgun;

(2) The transfer to, or possession by, a law enforcement officer employed by an entity referred to in paragraph (1) above of a handgun for law enforcement purposes (whether on or off duty);

(3) The transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

(4) The transfer to any person of a handgun listed as a curio or relic by the Attorney General pursuant to 18 U.S.C. 921(a)(13); or

(5) The transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in 18 U.S.C. 923(e), if the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee, a secure gun storage or safety device for the handgun.

The law also created 18 U.S.C. 924(p), which provides that any licensed manufacturer, licensed importer, or licensed dealer who violates section 922(z) may be subject to license suspension or revocation, as well as a civil penalty of no more than $2,500.

The provisions of the CSLA became effective on April 24, 2006.

Conforming changes to the regulations are prescribed in this interim rule in 27 CFR 478.1, 478.11, 478.99, and 478.124.

In order to ensure that the transferee (buyer) is provided with a secure gun storage or safety device, the interim regulations require that, prior to transferring a handgun to a nonlicensed individual, the licensed importer, licensed manufacturer, or licensed dealer must certify, under the penalties of perjury, that the transferee has been, or within 10 days will be, provided with a secure gun storage or safety device for the handgun. Specifically, § 478.124(c)(4)(ii) states that the licensed importer, licensed manufacturer, or licensed dealer must include on, or attach to, the Firearms Transaction Record (ATF Form 4473) one of the following certification statements, executed under penalties of perjury, depending on the availability or unavailability of secure gun storage or safety devices, along with the transferor's signature and the certification date:

> I certify that the transferee has been provided with a secure gun storage or safety device for any handgun.
>
> _____ _____
> Transferor's/Seller's Signature Certification Date

– OR –

> I certify that a secure gun storage or safety device for any handgun will be delivered to the transferee within 10 days.
>
> _____ _____
> Transferor's/Seller's Signature Certification Date
>
> _____
> Date Sent (Optional)

Where a secure gun storage or safety device is not available at the time of the transfer of a handgun, the licensee is encouraged to record a second date that indicates the actual date the secure gun storage or safety device was sent to the transferee. This will help demonstrate that the licensee has complied with the requirements of the new law. While the initial "certification date" is required, the second date indicating when the

device was sent is optional. The Department is soliciting comments on whether the licensee should be required to record the second date indicating the date the secure gun storage or safety device was actually sent to the transferee.

ATF would note that the requirements relating to the certification statements are not retroactive but become effective upon the date that this interim rule is published.

How This Document Complies With the Federal Administrative Requirements for Rulemaking

A. Executive Order 12866

This rule has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by the Office of Management and Budget. However, this rule will not have an annual effect on the economy of $100 million, nor will it adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health, or safety, or State, local or tribal governments or communities. Accordingly, this rule is not an "economically significant" rulemaking as defined by Executive Order 12866.

Further, the Department has assessed both the costs and benefits of this rule as required by Executive Order 12866, section 1(b)(6), and has made a reasoned determination that the benefits of this regulation justify its costs. The rule implements a statute which requires that a secure gun storage or safety device be provided with every handgun transfer. This requirement will promote the safe storage and use of handguns by

consumers and will prevent unauthorized persons, including children, from gaining access to or use of a handgun. The National Safe Kids Campaign (NSKC), an organization that addresses unintentional injury prevention for children ages 14 and under, stated the following in its fact sheet on unintentional firearm injuries:

- In 2001, 72 children ages 14 and under died from unintentional firearm-related injuries.
- In 2002, more than 800 children ages 14 and under were treated in hospital emergency rooms for unintentional firearm-related injuries; 35 percent of these injuries were severe enough to require continued hospitalization.
- More than 70 percent of unintentional firearm shootings involve handguns.
- Every unintentional shooting in which a child age 5 and under shot and killed himself or another could have been prevented by a safety device. According to the Main State Nurses' Association, each year nearly 90 children ages 14 and under are killed and 1,400 children are treated in hospital emergency rooms for unintentional firearm-related injuries.
- The total annual cost of unintentional firearm-related deaths and injuries among children ages 14 and under is more than $1.2 billion. ATF's information indicates that medical direct costs for the average hospitalized person with gunshot wounds is approximately $25,000 that includes, in part, costs of life support, hospital room, surgical theater, intensive care unit, rehabilitation, nursing care and, for fatalities, autopsy and burial.

The Department notes that it has not conducted a separate study to confirm the information presented in NSKC's fact sheet regarding unintentional firearm injuries.

The Department has determined that the costs associated with this rule are not significant. First, many handguns currently manufactured in the United States, as well as certain imported handguns, already include some type of secure gun storage or safety device or one is provided by the manufacturer. For example, Sturm, Ruger & Co., Inc. (the top handgun manufacturer in the United States in 2003) states on its web site that in 1987, it pioneered the practice of supplying a lockable box and padlock with its newly-manufactured pistols and revolvers. In addition, the company stated that by the end of 2005, all newly-manufactured firearms would be shipped from the factory with a new external key-operated locking device. Information taken from Smith & Wesson's web site indicates that the company provides a Smith & Wesson/Masterlock gunlock with all the handguns it manufactures. Smith & Wesson was the second leading handgun manufacturer in the United States in 2003. Utilizing the information taken from the web sites of various manufacturers, ATF estimates that approximately 50 percent of the handguns currently manufactured for sale in the United States or imported already include some type of secure gun storage or safety device. Accordingly, licensees often will not incur any additional expense as a result of this rule.

Second, several States, including California, Connecticut, Massachusetts, Maryland, Michigan, New York, New Jersey, Pennsylvania, and Rhode Island, have State laws that generally require all handgun sales to include a secure gun storage or safety device. In these States, licensees and gun buyers will not incur any additional expenses as a result of this rule.

ATF estimates that there are approximately 2.3 million annual transfers of handguns in the United States where the Federal firearms dealer would need to provide

the purchaser with a secure gun storage or safety device. Of the 61,356 licensed firearms dealers in the United States, including pawnbrokers, ATF further estimates that there are approximately 52,275 licensed dealers who will need to provide the purchaser with a secure gun storage or safety device. This figure represents the number of licensed dealers who are located in States that do not already require all handgun sales to include a secure gun storage or safety lock. The least expensive type of security device to lock a handgun is the cable lock, which costs approximately $2 per lock. Accordingly, ATF estimates that the total impact of the final rule is approximately $4.6 million annually, which is the cost of cable locks to firearms dealers. However, ATF believes that most dealers will pass on the additional cost of a cable lock to the purchaser, resulting in a slight increase in the price of a handgun. Moreover, as stated above, many importers and manufacturers already are providing locks and several States already require locks, and so this rule will not impose additional costs in those circumstances.

B. Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, the Attorney General has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

C. Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

D. Administrative Procedure Act (APA)

Immediate implementation of this rule as an interim rule with provision for post-promulgation public comments is based upon the exceptions found at 5 U.S.C. 553(b)(A), (b)(B), and (d). The provisions of the Child Safety Lock Act of 2005 became effective on April 24, 2006. It is imperative that Federal firearms licensees be advised of their responsibilities under the new law as much in advance of the effective date as possible. Issuance of a notice of proposed rulemaking followed by a comment period, consideration of the comments, and publication of a final rule would delay implementation of these important public safety provisions. Accordingly, the Department has determined that there is good cause for a finding that notice and public procedure is impracticable and contrary to the public interest, pursuant to section 553(b)(B) of the APA. The due and timely execution of the agency's responsibilities in implementing the Child Safety Lock Act of 2005 would be unavoidably impeded by a time-consuming notice and comment period. For the reasons stated above, there is also good cause for a finding that this interim rule is exempt from the effective date limitations under section 553(d).

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 605(b)) requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic

impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. The Attorney General has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule requires that a secure gun storage or safety device be provided with every handgun transfer. ATF estimates that there are approximately 2.3 million annual transfers of handguns in the United States where the Federal firearms dealer would need to provide the purchaser with a secure gun storage or safety device. While not all licensees are small businesses, there are approximately 52,275 licensed firearms dealers, including pawnbrokers, who will need to provide the purchaser with a secure gun storage or safety device. The cost of a cable lock is approximately $2. ATF estimates the annual cost of cable locks to firearms dealers to be approximately $4.6 million. However, ATF believes that most dealers will pass on the additional cost of a cable lock to the handgun purchaser. Therefore, ATF believes that there will be a minimal economic impact on a substantial number of small entities.

F. Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

G. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act

This regulation is being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collection of information contained in this regulation has been reviewed under the requirements of the Paperwork Reduction Act (44 U.S.C. 3507(j)) and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under control number 1140-_____. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

The collection of information in this regulation is in 27 CFR 478.99(f) and 478.124(c). This information is required to ensure compliance with the Child Safety Lock Act of 2005, which makes it unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person, other than another licensee, unless the transferee (buyer) is provided with a secure gun storage or safety device for that handgun. The collection of information is mandatory. The likely respondents are businesses.

As indicated, the collection of information contained in this interim rule has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Office of Information and Regulatory Affairs, Washington, DC, 20503, with copies to the Chief, Document Services Branch, Room 3110, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue, NW., Washington, DC 20226. Comments are specifically requested concerning:

- Whether the collection of information is necessary for the proper performance of the function of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, including whether the information will have practical utility;
- The accuracy of the estimated burden associated with the collection of information (see below);
- How the quality, utility, and clarity of the information to be collected may be enhanced; and
- How the burden of complying with the collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology.

Estimated total annual reporting and/or recordkeeping burden: 5,556 hours.

Estimated average annual burden hours per respondent and/or recordkeeper: .09 hours (5.4 minutes).

Estimated number of respondents and/or recordkeepers: 61,356.

Estimated annual frequency of responses: 65.

Public Participation

Comments Sought

ATF is requesting comments on the interim regulations from all interested persons. ATF is also specifically requesting comments on the clarity of this interim rule and how it may be made easier to understand. All comments must reference this document docket number (ATF 8F), be legible, and include your name and mailing address. ATF will treat all comments as originals and it will not acknowledge receipt of comments.

Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

Confidentiality

Comments may be disclosed to the public and are subject to the Freedom of Information Act. Any material that the commenter considers to be inappropriate for disclosure to the public should not be included in the comment. Any person submitting a comment shall specifically designate that portion (if any) of his comments that contains material that is confidential under law (e.g., trade secrets, processes, etc.). Any portion of a comment that is confidential under law shall be set forth on pages separate from the balance of the comment and shall be prominently marked "confidential" at the top of each page. Confidential information will be included in the rulemaking record but will not be disclosed to the public. Any comments containing material that is not confidential

under law may be disclosed to the public. In any event, the name of the person submitting a comment is not exempt from disclosure.

Submitting Comments

Comments may be submitted in any of five ways:

- *Mail:* Send written comments to ATF at the address listed in the **ADDRESSES** section of this document. Written comments must be signed and may be of any length.
- *Facsimile:* You may submit comments by facsimile transmission to 202-927-0506. Faxed comments must:

(1) Be legible;

(2) Be on 8½" x 11" paper;

(3) Contain a legible, written signature; and

(4) Be no more than five pages long. ATF will not accept faxed comments that exceed five pages.

- *E-mail:* You may e-mail comments to interimrule@atf.gov. Comments transmitted by electronic mail must:

(1) Contain your e-mail address;

(2) Reference this document docket number (ATF 8F) on the subject line; and

(3) Be legible when printed on 8½" x 11" paper.

- *Online form:* ATF provides a comment form with the online copy of this document on its web site at http://www.atf.gov/regulations/final-interim/index.htm. Select the "Send comments via e-mail" link under ATF No. 8F.

- *Federal e-Rulemaking Portal:* To submit comments to ATF via the Federal e-rulemaking portal, visit http://www.regulations.gov and follow the instructions for submitting comments.

Request for hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director of ATF within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this interim rule and the comments received will be available for public inspection by appointment during normal business hours at: ATF Reference Library, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226, telephone (202) 927-7890.

Drafting Information

The author of this document is James P. Ficaretta; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives.

List of Subjects in 27 CFR Part 478

Administrative practice and procedure, Arms and ammunition, Authority delegations, Customs duties and inspection, Domestic violence, Exports, Imports, Law enforcement personnel, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, and Transportation.

Authority and Issuance

Accordingly, for the reasons discussed in the preamble, 27 CFR Part 478 is amended as follows:

PART 478--COMMERCE IN FIREARMS AND AMMUNITION

1. The authority citation for 27 CFR Part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921-931; 44 U.S.C. 3504(h).

2. Section 478.1(a) is revised to read as follows:

§ 478.1 Scope of regulations.

(a) *General.* The regulations contained in this part relate to commerce in firearms and ammunition and are promulgated to implement Title I, State Firearms Control Assistance (18 U.S.C. Chapter 44), of the Gun Control Act of 1968 (82 Stat. 1213) as amended by Pub. L. 99–308 (100 Stat. 449), Pub. L. 99–360 (100 Stat. 766), Pub. L. 99–408 (100 Stat. 920), Pub. L. 103–159 (107 Stat. 1536), Pub. L. 103–322 (108 Stat. 1796), Pub. L. 104–208 (110 Stat. 3009), Pub. L. 105–277 (112 Stat. 2681), and Pub. L. 109-92 (119 Stat. 2095).

* * * * *

3. Section 478.11 is amended by adding a definition for the term "Secure gun storage or safety device" to read as follows:

§ 478.11 Meaning of terms.

* * * * *

Secure gun storage or safety device. (a) A device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

(b) A device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

(c) A safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

* * * * *

4. Section 478.99 is amended by adding a new paragraph (f) and a parenthetical text at the end of the section to read as follows:

§ 478.99 Certain prohibited sales or deliveries.

* * * * *

(f) *Secure gun storage or safety device*—(1) *General.* A licensed importer, licensed manufacturer, or licensed dealer shall not sell, deliver, or transfer any handgun to any person not licensed under this part unless:

(i) The transferee is provided with a secure gun storage or safety device for that handgun; and

(ii) The licensed importer, licensed manufacturer, or licensed dealer has certified that the transferee has been provided with a secure gun storage or safety device for that handgun in accordance with the requirements of § 478.124(c)(4)(ii)(B).

(2) *Exceptions.* The provisions of paragraph (f)(1) of this section shall not apply to —

(i)(A) The manufacture for, transfer to, or possession by, the United States, a department or agency of the United States, a State, or a department, agency, or political subdivision of a State, of a handgun; or

(B) The transfer to, or possession by, a law enforcement officer employed by an entity referred to in paragraph (f)(2)(i)(A) of this section of a handgun for law enforcement purposes (whether on or off duty);

(ii) The transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

(iii) The transfer to any person of a handgun listed or classified as a curio or relic by the Attorney General pursuant to 18 U.S.C. 921(a)(13); or

(iv) The transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in 18 U.S.C. 923(e): *Provided,* That the licensed manufacturer, licensed importer, or licensed dealer—

(A) Certifies that a secure gun storage or safety device will be delivered to the transferee within 10 calendar days from the date of the delivery of the handgun in accordance with the requirements of § 478.124(c)(4)(ii)(B); and

(B) Delivers to the transferee within 10 calendar days from the date of the delivery of the handgun, a secure gun storage or safety device for the handgun.

(Paragraph (f) approved by the Office of Management and Budget under control number 1140-_____)

5. Section 478.124 is amended by redesignating paragraph (c)(4) as paragraph (c)(4)(i), by adding a new paragraph (c)(4)(ii), and by revising the parenthetical text at the end of the section to read as follows:

§ 478.124 Firearms transaction record.

* * * * *

(c) * * *

(4)(i) * * *

(ii) In the case of a handgun, the licensed importer, licensed manufacturer, or licensed dealer shall—

(A) Comply with the requirements of § 478.99(f); and

(B) Include on, or attach to, the Form 4473 one of the following certification statements, executed under penalties of perjury, along with the transferor's signature and the certification date:

> I certify that the transferee has been provided with a secure gun storage or safety device for any handgun.
>
> _____ _____
> Transferor's/Seller's Signature Certification Date
>
> – OR –
>
> I certify that a secure gun storage or safety device for any handgun will be delivered to the transferee within 10 days.
>
> _____ _____
> Transferor's/Seller's Signature Certification Date
>
> _____
> Date Sent (Optional)

* * * * *

(Paragraph (c) approved by the Office of Management and Budget under control numbers 1140-0045, 1140-0020, 1140-0060, and 1140-____; paragraph (f) approved by the Office of Management and Budget under control number 1140-0021; all other recordkeeping approved by the Office of Management and Budget under control number 1140-0020)

_____	_____
Date	Alberto R. Gonzales Attorney General

3485gg.doc; JPFicaretta- 11/18/05; 1/4/06; 1/11/06; 1/13/06; 1/19/06; 1/24/06; 2/3/06; 2/23/06 (version XIV); 4/19/06 (version XV); 4/26/06 (version XVI); 4/27/06 (version XVII); 5/2/06 (version XVIII); 5/2/06 (version XIX); 5/4/06 (version XX); 5/10/06 (version XXI)