Title 11, Division 5, Chapter 2. Centralized List of Firearms Dealers

ARTICLE 1. TITLE, SCOPE, AND DEFINITION

4016. Title and Scope.

This chapter shall be known as the "Department of Justice Regulations for the Centralized List of Firearms Dealers." The provisions of these regulations shall apply to the Centralized List of Firearms Dealers and the firearms dealer inspections conducted by the Department.

Note: Authority cited: Section 12071, Penal Code. Reference: Sections 12071, 12073, 12076, 12077, 12078 and 12081, Penal Code; and Sections 178.124, 178.124a and 178.125, Code of Federal Regulations.

4017. Definition of Key Terms.

(a) "Centralized List" means the list, maintained by the Department of Justice, of all persons licensed to sell firearms pursuant to Penal Code section 12071.

(b) "Contact person" means a person authorized to act on behalf of a firearms dealer.

(c) "DOJ representative" means an employee of the Department of Justice authorized to conduct firearms dealer compliance inspections.

(d) "Firearms dealer" or "dealer" means an individual listed on the Centralized List of firearms dealers pursuant to Penal Code section 12071(a)(1)(A)-(F).

(e) "Firearms transaction records" mean records related to a dealer's firearms business, including: DOJ Dealer Records of Sale (DROS); DOJ Basic Firearms Safety Certificate records; Bureau of Alcohol, Tobacco and Firearms (ATF) Acquisition and Disposition records; and any ATF Forms 4473.

(f) "Reasonable access" means that items to be inspected by a DOJ representative are free from physical obstruction or other impediments that would make access difficult or unsafe.

(g) "Removal from the Centralized List" means the removal of a dealer from the Centralized List who knowingly or with gross negligence violates the provisions of Article 4 of Chapter 1 of Title 2 of Part 4 of the Penal Code including any applicable DOJ regulations. The term does not include expiration from the Centralized List for dealer failure to maintain and submit to the Department, current federal, state and local licenses or permits required pursuant to Penal Code section 12071, nor for dealer failure to renew the annual placement on the Centralized List.

Note: Authority cited: Section 12071, Penal Code. Reference: Sections 12071, 12073, 12076,

12077, 12078 and 12081, Penal Code; and Sections 178.124, 178.124a and 178.125, Code of Federal Regulations.

ARTICLE 2. CENTRALIZED LIST APPLICATIONS, FEES, AND PLACEMENT TERMS

4018. Applicant Information.

Applications for annual placement on the Centralized List shall be filed on Department of Justice form BCIA 4080 (rev. 12/96) which will require the following information signed, dated, and certified under penalty of perjury: applicant's name; dealership name; dealership physical address; dealership mailing address; dealership telephone number; dealership telephone facsimile number (if any); days and hours of operation; local licensing authority; local law enforcement agency; local inspection authority (if any); DOJ Certificate of Eligibility (COE) number and expiration date; Federal Firearms License (FFL) number and expiration date; local firearms license number and expiration date; and, the State Board of Equalization Seller's Permit number. The application shall include copies of the current FFL, COE, local firearms license, and State Board of Equalization Seller's Permit.

Note: Authority cited: Section 12071, Penal Code. Reference: Section 12071, Penal Code.

4019. Fees.

Centralized List placement applications shall be accompanied by the appropriate fees as follows:

(a) A Centralized List initial fee and subsequent annual fee of $20 for each applicant at a single location shall be submitted. The annual fee shall be due on January 31st of each year regardless of the date of initial placement on the Centralized List.

(b) A dealer inspection initial fee and subsequent annual fee of $95 per dealership location shall be submitted. The annual fee shall be due on January 31st of each year regardless of the date of initial placement on the Centralized List. Dealers whose place of business is located in a jurisdiction with a local firearms dealer compliance inspection program are not subject to this $95 inspection fee. Upon request, an annual list of such jurisdictions is available from the Department.

Note: Authority cited: Section 12071(f) and (g), Penal Code. Reference: Section 12071(f) and (g), Penal Code.Authority cited: Section 12071(f) and (g), Penal Code. Reference: Section 12071(f) and (g), Penal Code.

4020. Processing Times.

(a) The time standards for processing Centralized List placement applications are as follows:

(1) Within 20 days after the date of receipt of an initial or renewal application, the Department shall either inform the applicant, in writing, that the application is complete and accepted for processing, or return the application as deficient and specify what information is required.

(2)(A) Within 30 days from the date of receipt of a completed application for the initial placement on the Centralized List, the Department shall complete the processing of the application.

(B) Within 20 days from the date of receipt of a completed application for continued placement on the Centralized List, the Department shall complete the processing of the application.

(b)(1) The Department's minimum, median, and maximum times for processing an initial application, from the date of receipt of a completed application to the final determination are as follows:

(A) Minimum time: 5 days

(B) Median time: 15 days

(C) Maximum time: 30 days

(2) The Department's minimum, median, and maximum times for processing a continued placement application, from the date of receipt of a completed application to the final determination, are:

(A) Minimum time: 5 days

(B) Median time: 10 days

(C) Maximum time: 20 days

(c) If the Department fails to meet its time standards for processing an application, the applicant, within 30 days from the date of the notice of the final decision granting or denying the application, may apply in writing for a full reimbursement of all application fees. The Department shall respond within 10 days of receipt of a request for reimbursement. If the reimbursement request is denied, the applicant may appeal the denial, in writing, directly to the Attorney General. The appeal must be filed within 30 days of the date the applicant was notified of the reimbursement denial and shall set forth a concise statement of facts and chronology of events regarding the application. Following any investigation of the matter which the Attorney General deems appropriate, and within 30 days from the date of receipt of the appeal, a decision shall be issued. The appeal shall be decided in the applicant's favor if the Department exceeds the maximum time period for the processing of the application and the Department has failed to establish good cause for exceeding this time period. Information regarding this appeal process shall be included with all Centralized List application forms.

Note: Authority cited: Sections 15376 and 15378, Government Code. Reference: Sections 15376 and 15378, Government Code.

4021. Term of Centralized List Placement.

(a) The term of a Centralized List placement shall be from January 1 through December 31. The effective date shall begin upon actual placement on the Centralized List.

(b) The term of a Centralized List placement shall expire for any of the following reasons:

(1) failure to submit an application for continued placement pursuant to sections 4018, and 4019 of these regulations; or

(2) failure to maintain and submit copies of renewals of current federal, state, and local licenses or permits within 30 days after their respective expirations.

Note: Authority cited: Section 12071, Penal Code. Reference: Section 12071, Penal Code.

ARTICLE 3. COMPLIANCE INSPECTIONS

4022. Firearms Dealer Inspections.

(a) The Department may conduct on-site inspections at a dealer's business premises to determine compliance with firearms laws pursuant to Article 4 of Chapter 1 of Title 2 of Part 4 of the Penal Code, including the following:

(1) firearms transfer requirements pursuant to Penal Code sections 12071, 12072, 12078, and 12082; and

(2) firearms dealer records and record retention requirements pursuant to Penal Code sections 12071, 12072, 12073, 12076, 12077, 12078, 12081, and 12082; and

(3) firearms dealership facility requirements pursuant to Penal Code section 12071.

(b) The dealer or contact person shall ensure that the DOJ representative has reasonable access to all firearms transaction records, the firearms inventory, security features, and all areas within the business premises to which the DOJ representative may need access to conduct the inspection. Upon request by the DOJ representative, the dealer or contact person shall:

(1) make available for inspection all dealer licenses and permits required pursuant to Penal Code section 12071(a); and

(2) locate firearms that are in the waiting period according to the dealers records or records of

the Department; and

(3) clarify or explain illegible, unclear, or conflicting entries contained in the firearms transaction records; and

(4) identify the type and location of security measures and devices used at the business premises.

Note: Authority cited: Section 12071, Penal Code. Reference: Sections 12070, 12071, 12072, 12073, 12076, 12077, 12078, 12081 and 12082, Penal Code; and Sections 178.124, 178.124a and 178.125, Code of Federal Regulations.

4023. Notification of Inspection Results and Corrective Action.

(a) The Department will notify the dealer, in writing, of the results of the inspection as soon as possible upon completion of the inspection.

(b) If the dealer fails to comply with any of the firearm laws in Article 4 of Chapter 2 of Title 2 of Part 4 of the Penal Code, including any applicable DOJ regulations, the notification will cite the violations and may specify corrective action requirements. The notification will include an acknowledgment prepared by the Department, that the dealer is aware of the violation(s) and has performed all specific and general corrective actions necessary to correct past violations and to ensure future violations do not occur.

(1) The dealer shall comply with the corrective action requirements if any, including the return of the acknowledgment, signed by the dealer or contact person, and postmarked no later than 30 days after the date of the notification, unless the Department determines the violation requires more immediate attention. If immediate attention is required, the dealer must comply within the time frame specified in the Department's notification.

(2) The Department may conduct a follow-up inspection to confirm the dealer has complied with the corrective action. If a follow-up inspection is conducted and the dealer is found to have complied with the corrective action the Department will notify the dealer of such no later than 30 days after the follow-up inspection.

Note: Authority cited: Section 12071, Penal Code. Reference: Section 12071, Penal Code.

ARTICLE 4. REMOVAL FROM CENTRALIZED LIST

4024. Removal from Centralized List.

(a) If a dealer does not comply with corrective action requirements, or upon determination by the Department that a dealer has otherwise knowingly or with gross negligence violated firearms laws pursuant to Article 4 of Chapter 1 of Title 2 of Part 4 of the Penal Code, including any applicable DOJ regulations, the Department may remove the dealer from the Centralized List.

(b) All hearings related to the removal of a dealer from the Centralized List shall be conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Note: Authority cited: Section 12071, Penal Code. Reference: Section 12071, Penal Code; and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.