

CALIFORNIA DEPARTMENT OF JUSTICE
TITLE 11. LAW
DIVISION 5. FIREARMS REGULATIONS
CHAPTER 4. DOCUMENTATION REQUIREMENTS FOR FIREARMS AND
AMMUNITION ELIGIBILITY CHECK
AND
CHAPTER 10. AMMUNITION
INITIAL STATEMENT OF REASONS

PROBLEM STATEMENT

On September 30, 2025, the Department of Motor Vehicles (DMV) began issuing driver's licenses and identification cards (DL/IDs) that replace the magnetic strip with a barcode. As a result, firearm dealers and ammunition vendors are increasingly presented with identification documents that cannot be electronically read in the manner required by Penal Code section 28180. Penal Code section 28180 requires firearm dealers to obtain electronically from the magnetic strip a purchaser's name, date of birth, and DL/ID number for purposes of an eligibility check for a firearm purchase, except as authorized by the Department of Justice (Department).

As a result of DMV's changes, for newly issued DL/IDs without a magnetic strip, firearm dealers and ammunition vendors are manually entering identity information into the Bureau of Firearms' (Bureau) Dealer Record of Sale (DROS) Entry System (DES), which increases the likelihood of data entry errors that could introduce inaccurate information in the DROS database and the Automated Firearms System (AFS).

The DROS process/system helps prevent prohibited persons from acquiring firearms or ammunition. The DES is a web-based application used by firearm dealers to report the sale, loan, transfer, redemption, and acquisition of handguns and long guns to the Bureau. It is also used by ammunition vendors to submit ammunition purchase eligibility checks and ammunition purchase information to the Bureau. The DES is the Bureau's secure, centralized electronic platform used to process firearm dealers' records of sale and maintain information on firearm and ammunition transactions. The purpose of the AFS is to maintain a repository of firearm records to aid law enforcement's ability to identify lost or stolen firearms, track ownership, and assist in investigations. It is populated by records of firearm purchases through licensed firearm dealers, ammunition vendors, individual reports of ownership, and information from law enforcement agencies. The system supports law enforcement in investigations, prosecutions, and recovery of lost and stolen property.

The proposed rulemaking would require firearm dealers and ammunition vendors to obtain purchaser information by using a barcode scanner if the DL/ID does not have the magnetic strip contemplated by Penal Code section 28180.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

The objective of the regulations is to prevent mistakes in the entry of firearm and ammunition purchaser information into the Bureau's databases. Reducing the risk of mistakes will benefit public safety by ensuring that law enforcement has access to accurate information for investigations, prosecutions, and recovery of lost and stolen property. The regulations will also help ensure accurate background checks, reduce delays in purchases and rejected transactions, and reduce additional work as a result of data entry mistakes.

SPECIFIC PURPOSE AND NECESSITY OF EACH SECTION

Chapter 4. Documentation Requirements for Firearms and Ammunition Eligibility Check

Article 3. Form of the Register or the Record of Electronic Transfer

§ 4045.2. Methods for obtaining information from driver's license or identification card.

Subdivision (a) requires firearm dealers and ammunition vendors to obtain a purchaser's or transferee's information electronically by scanning or swiping the person's DL/ID. While Penal Code section 28180 requires firearm dealers to obtain this information from the magnetic strip, new DL/IDs do not contain a magnetic strip. For newly issued DL/IDs, the regulation requires dealers and ammunition vendors to obtain the purchaser's or transferee's information via scanning devices. This provision is necessary because the DMV has replaced magnetic strips with barcodes on newly issued DL/IDs. Requiring dealers and ammunition vendors to obtain the information electronically is necessary to prevent mistakes in the entry of firearm and ammunition purchaser information into the Bureau's databases.

Subdivision (b) requires dealers and ammunition vendors to obtain the purchaser information from the DL/ID of the purchaser and retain a photocopy of the DL/ID as proof of compliance if their equipment does not work. This is necessary because the equipment may malfunction or not work properly. This alternative aligns with current statutory language. (Pen. Code, § 28180, subd. (b)(2).)

Chapter 10. Ammunition

Article 2. Ammunition Purchases or Transfers

§ 4282. Standard Ammunition Eligibility Check (AFS Match).

In subdivision (c), "Penal Code section 28180" is replaced with "section 4045.2" to require ammunition vendors to collect the purchaser's information from the DL/ID in the manner described in the new section 4045.2. This is necessary because the DMV has replaced magnetic strips with barcodes on newly issued DL/IDs.

§ 4283. Basic Ammunition Eligibility Check (Single Transaction or Purchase).

In subdivision (c), “Penal Code section 28180” is replaced with “section 4045.2” to require ammunition vendors to collect the purchaser’s information from the DL/ID in the manner described in the new section 4045.2. This is necessary because the DMV has replaced magnetic strips with barcodes on newly issued DL/IDs.

§ 4285. COE Verification Process.

In subdivision (c), “Penal Code section 28180” is replaced with “section 4045.2” to require ammunition vendors to collect the purchaser’s information from the DL/ID in the manner described in the new section 4045.2. This is necessary because the DMV has replaced magnetic strips with barcodes on newly issued DL/IDs.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department concludes:

- (1) It is unlikely that the proposal would create or eliminate jobs within the state because the regulations only require firearm dealers and ammunition vendors to obtain purchaser information by using a barcode scanner if the DL/ID does not have the magnetic strip contemplated by Penal Code section 28180.
- (2) It is unlikely that the proposal would create new businesses or eliminate existing businesses within the state because the regulations only require firearm dealers and ammunition vendors to obtain purchaser information by using a barcode scanner if the DL/ID does not have the magnetic strip contemplated by Penal Code section 28180.
- (3) It is unlikely that the proposal would result in the expansion of businesses currently doing business within the state because the regulations only require firearm dealers and ammunition vendors to obtain purchaser information by using a barcode scanner if the DL/ID does not have the magnetic strip contemplated by Penal Code section 28180.

The Department also concludes that:

- (1) The proposal will benefit the health and welfare of California residents by establishing an alternative method for firearm dealers to electronically capture purchaser information. This will help prevent data inaccuracies in the Bureau’s firearm databases, which will benefit public safety by ensuring that law enforcement have access to accurate information for investigations, prosecutions, and recovery of lost and stolen property. Complete and accurate information also helps ensure that firearms and ammunition are not purchased by anyone prohibited by law from owning or possessing a firearm.
- (2) The proposal will not benefit worker safety because it does not regulate worker safety standards.

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

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

The Department relied on the DMV's Press Release, dated October 1, 2025: *DMV to Release New California Driver's License and Identification Card Design with Advance Security Features*. The press release is available at <https://www.dmv.ca.gov/portal/news-and-media/dmv-to-release-new-california-drivers-license-and-identification-card-design-with-advanced-security-features/>

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 regulations require firearm dealers and ammunition vendors to obtain purchaser information by using a barcode scanner if the DL/ID does not have the magnetic strip contemplated by Penal Code section 28180.

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.

Although the Department estimates that most firearm dealers and ammunition vendors are considered "small businesses," the proposed regulations are the most effective way for firearm dealers and ammunition vendors to obtain purchaser information from newly issued DL/IDs that do not have the magnetic strip contemplated by Penal Code section 28180. Firearm dealers and ammunition vendors manually entering identity information into DES increases the likelihood of data entry errors that could introduce inaccurate information into the Bureau's databases. Using a barcode scanner is easier and quicker than manually entering the purchaser's information. However, in the event of a technical malfunction, dealers and vendors can obtain the purchaser information from the DL/ID of the purchaser and retain a photocopy of the DL/ID as proof of compliance. This alternative aligns with current statutory language. (Pen. Code, § 28180, subd. (b)(2).)

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.

The Department has determined that the proposed regulations are the most effective way for firearm dealers and ammunition vendors to accurately obtain purchaser information from newly issued DL/IDs that do not have the magnetic strip contemplated by Penal Code section 28180. Firearm dealers and ammunition vendors manually entering identity information into DES increases the likelihood of data entry errors that could introduce inaccurate information into the Bureau's databases. Using a barcode scanner is easier and quicker than manually entering the purchaser's information. However, in the event of a technical malfunction, dealers and vendors can obtain the purchaser information from the DL/ID of the purchaser and retain a photocopy of the DL/ID as proof of compliance. This alternative aligns with current statutory language. (Pen. Code, § 28180, subd. (b)(2).)

Performance Standard as Alternative:

Penal Code section 28180, subdivision (a), requires firearm dealers to obtain electronically from the magnetic strip a purchaser's name, date of birth, and DL/ID number for purposes of an eligibility check for a firearms purchase, except as authorized by the Department.

The proposed regulations require firearm dealers and ammunition vendors to obtain purchaser information by using a barcode scanner if the DL/ID does not have the magnetic strip contemplated by Penal Code section 28180. The proposed regulations are the most effective way for firearm dealers and ammunition vendors to accurately obtain purchaser information from newly issued DL/IDs that do not have the magnetic strip.