

CALIFORNIA DEPARTMENT OF JUSTICE

**TITLE 11. LAW
DIVISION 5. FIREARMS REGULATIONS
CHAPTER 4. DOCUMENTATION REQUIREMENTS FOR FIREARMS AND
AMMUNITION ELIGIBILITY CHECK**

February 25, 2026

FINDING OF EMERGENCY

Pursuant to the requirements of Government Code section 11346.1, subdivision (a)(1), the Department of Justice (Department) is providing notice of the proposed emergency adoption of a regulation regarding methods for obtaining information from driver's licenses or identification cards for purposes of firearms and ammunition eligibility checks. The Department finds that an emergency exists, and that the immediate adoption of section 4045.2 is necessary to avoid serious harm to the public peace, health and safety, and general welfare.

SUBMISSION OF COMMENTS

Government Code section 11346.1, subdivision (a)(2) requires that, at least five working days prior to the submission of the proposed emergency action to the Office of Administrative Law (OAL), the Department provide a notice of proposed emergency action (Finding of Emergency and Proposed Text) to every person who has filed a request for notice of regulatory action with the Department. After submission of the proposed emergency regulation to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulation as set forth in Government Code section 11349.6.

The Proposed Text of the emergency regulation and the Finding of Emergency are posted on the Department's website at <https://oag.ca.gov/regulations>.

The Department plans to file the emergency rulemaking package with the OAL at least five working days from the date provided at the top of this notice. If you would like to comment on the Finding of Emergency or the Proposed Text, those comments must be made in writing only, must contain a notation that identifies the emergency regulation to which they relate, and must be received by both the Department and the OAL within five calendar days of the Department's filing with the OAL. The Department may respond to comments at its discretion.

Send comments simultaneously to:

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EXPRESS STATEMENT OF EMERGENCY

Immediate action is necessary to avoid serious harm to the public peace, health and safety, and general welfare. On September 30, 2025, the Department of Motor Vehicles (DMV) removed the magnetic strip containing identity information on newly issued driver's license and identification cards (DL/IDs). As required by statute, firearms dealers and ammunition vendors use the information on the magnetic strip to identify purchasers for background checks and recording of sales. As a result of DMV's changes, for newly issued DL/IDs without a magnetic strip, firearms dealers and ammunition vendors are manually entering identity information into the Bureau of Firearms' 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 purpose of the Automated Firearms System 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 firearms dealers, ammunition vendors, individual reports of ownership, and information from law enforcement agencies. The system supports law enforcement in crime investigations, prosecutions, and recovery of lost and stolen property. The DES is a web-based application used by firearms dealers to report the sale, loan, transfer, redemption, and acquisition of handguns and long guns to the Bureau of Firearms. 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 firearms dealers' records of sale and maintain information on firearms and ammunition transactions. The DROS process/system helps prevent prohibited persons from acquiring firearms or ammunition.

SPECIFIC FACTS DEMONSTRATING NEED FOR IMMEDIATE ACTION

On September 30, 2025, the DMV began issuing DL/IDs that replace the magnetic strip with a bar code. Penal Code section 28180 requires firearms dealers to obtain electronically from the magnetic strip a purchaser's name, date of birth, and driver's license or identification number for purposes of an eligibility check for a firearms purchase, except as authorized by DOJ. Penal Code section 30352 and implementing California Code of Regulations, title 11, sections 4282, 4283 and 4285 require ammunition vendors to collect the purchaser's or transferee's name, date of birth, current address, and driver's license or other government identification number in the manner described in Penal Code section 28180. Without an emergency regulation to allow firearms dealers and ammunition vendors to obtain identification information by another method—in particular, by scanning the (newly implemented) bar code on the DL/ID—firearms dealers and ammunition vendors will type in the information manually. Any data entry errors

may cause firearms and ammunition purchase records in the Bureau of Firearms databases to contain incorrect information.

Purpose and Necessity of Each Provision

The purpose of section 4045.2, subdivision (a), is to require firearms dealers and ammunition vendors to use scanning devices that can read identification information on newly issued DL/IDs. This provision is necessary because the DMV has replaced magnetics strips with bar codes on newly issued DL/IDs.

The purpose of section 4045.2, subdivision (b), is to require dealers and ammunition vendors using a malfunctioning scanning device or scanning a faulty DL/ID to obtain the purchaser information from the DL/ID of the purchaser and maintain a photocopy of the DL/ID as proof of compliance. This alternative aligns with current statutory language (Penal Code section 28180(b)(2)).

Explanation of Failure to Adopt Nonemergency Regulations

In March 2025, the Department became aware that the DMV would be issuing new format DL/IDs, replacing the magnetic strip with the barcode. At that time, DMV did not provide a date for when they would begin issuing the new cards, nor was the information made public. DMV did not provide further information to the Department until September 30, 2025, the same date that DMV issued a memorandum to all California law enforcement agencies that it had started issuing the new DL/IDs. Even if the Department had begun a regular rulemaking in March 2025, it would not necessarily have been completed by September 30, 2025.

DOCUMENTS RELIED ON

Press Release, dated October 1, 2025: DMV to Release New California Driver's License and Identification Card Design with Advance Security Features 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/>

AUTHORITY AND REFERENCE CITATIONS

Authority: Sections 28180, 30352, Penal Code
Reference: Sections 28180, 30352, Penal Code

INFORMATION DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

The related laws are the following:

Penal Code section 28180, which reads, in the context of firearms purchases, as follows:

- (a) The purchaser's name, date of birth, and driver's license or identification number shall be obtained electronically from the magnetic strip on the purchaser's driver's license or identification and shall not be supplied by any other means, except as authorized by the department.
- (b) The requirement of subdivision (a) shall not apply in either of the following cases:
 - (1) The purchaser's identification consists of a military identification card.
 - (2) Due to technical limitations, the magnetic strip reader is unable to obtain the required information from the purchaser's identification. In those circumstances, the firearms dealer shall obtain a photocopy of the identification as proof of compliance.
- (c) In the event that the dealer has reported to the department that the dealer's equipment has failed, information pursuant to this section shall be obtained by an alternative method to be determined by the department.

Penal Code 30352, which reads, in relevant part, as follows:

- (a) Commencing July 1, 2019, an ammunition vendor shall not sell or otherwise transfer ownership of any ammunition without, at the time of delivery, legibly recording the following information on a form to be prescribed by the Department of Justice:
 - (1) The date of the sale or other transfer.
 - (2) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued.
 - (3) The brand, type, and amount of ammunition sold or otherwise transferred.
 - (4) The purchaser's or transferee's full name and signature.
 - (5) The name of the salesperson who processed the sale or other transaction.
 - (6) The purchaser's or transferee's full residential address and telephone number.
 - (7) The purchaser's or transferee's date of birth.
- (b) (1) Commencing July 1, 2019, an ammunition vendor shall electronically submit to the department the information required by subdivision (a) for all sales and transfers of ownership of ammunition. The department shall retain this information in a database to be known as the Ammunition Purchase Records File.
...
- (d) Commencing July 1, 2019, the ammunition vendor shall verify with the department, in a manner prescribed by the department, that the person is authorized to purchase ammunition. If the person is not listed as an authorized ammunition purchaser, the vendor shall deny the sale or transfer.
...
- (f) The department is authorized to adopt regulations to implement the provisions of this section.

Section 4282 of the California Code of Regulations, which reads, in relevant part, as follows:

- (a) A purchaser or transferee is authorized to purchase ammunition if their information matches an entry in the Automated Firearm System and does not match an entry in the Prohibited Armed Persons File.

(1) A purchaser or transferee may request, through an ammunition vendor, that the Department conduct a Standard Ammunition Eligibility Check to determine if the ammunition purchaser or transferee qualifies for this authorization.

...

(c) The ammunition vendor shall collect the purchaser's or transferee's name, date of birth, current address, and driver's license or other government identification number in the manner described in Penal Code section 28180, and telephone number, and enter this information into the DES website.

(d) Upon the Department's completion of the Standard Ammunition Eligibility Check, the Department shall update the purchaser's or transferee's DES record to instruct the ammunition vendor to approve or reject the purchase or transfer.

Section 4283 of the California Code of Regulations, which reads, in pertinent part, as follows:

(a) A purchaser or transferee is authorized to purchase ammunition if they are not prohibited from purchasing or possessing ammunition, subsequent to affirmation by the Department.

(1) A purchaser or transferee may request, through an ammunition vendor, that the Department conduct a Basic Ammunition Eligibility Check to determine if the purchaser or transferee qualifies for this authorization.

(2) A purchaser or transferee may instead seek authorization by following the procedure set forth by section 4282, 4284, 4285, or 4286, as applicable.

...

(c) The ammunition vendor shall collect the ammunition purchaser's or transferee's name, date of birth, current address, gender, hair color, eye color, height, weight, and driver's license or other government identification number in the manner described in Penal Code section 28180, and telephone number, United States citizenship status, federal Citizenship and Immigration Services (USCIS) Number or I-94 (if applicable), place of birth, alias name(s), and race, and enter this information into the DES website.

...

(e) Upon the Department's completion of a Basic Ammunition Eligibility Check, the Department shall update the purchaser's or transferee's DES record.

Section 4285 of the California Code of Regulations, which reads, in pertinent part, as follows:

(a) A purchaser or transferee is authorized to purchase ammunition if they hold a current Certificate of Eligibility, subsequent to verification by the Department.

(1) A purchaser or transferee may request, through an ammunition vendor, that the Department conduct a COE Verification to determine if the purchaser or transferee qualifies for this authorization.

...

(c) The ammunition vendor shall collect the ammunition purchaser's or transferee's name, date of birth, current address, and driver's license or other government identification number in the manner described in Penal Code section 28180, telephone number, and COE number, and enter the information into the DES website.

(d) Upon the Department's completion of the COE Verification, the Department shall update the purchaser's or transferee's DES record to instruct the ammunition vendor to approve or reject the ammunition purchase or transfer.

Effect of the Proposed Rulemaking:

The proposed rulemaking would allow firearms 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.

Anticipated Benefits of the Proposed Regulations:

The objective of the regulation is to prevent mistakes in the entry of firearms and ammunition purchaser information into the Bureau of Firearms databases. Reducing the risk of mistakes will benefit the public safety by ensuring that law enforcement have access to accurate information for crime investigations, prosecutions, and recovery of lost and stolen property. The regulation will also help ensure accurate background checks and reduce additional work as a result of data entry mistakes.

Comparable Federal Regulations:

There are no existing federal regulations or statutes comparable to the proposed regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the method of reading DL/IDs for purposes of firearms and ammunition transactions.

Forms Incorporated by Reference: None.

Other Statutory Requirements: None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other non-discretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.