

IMPORTANT NOTICES

1. **WARNING** - The Federal firearms laws require that the individual filling out this form must be buying the firearm for himself or herself or as a gift. Any individual who is not buying the firearm for himself or herself or as a gift, but who completes this form, violates the law. Example: Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith. Mr. Smith gives Mr. Jones the money for the firearm. If Mr. Jones fills out this form, he will violate the law. However, if Mr. Jones buys a firearm with his own money to give to Mr. Smith as a birthday present, Mr. Jones may lawfully complete this form. A licensee who knowingly delivers a firearm to an individual who is not buying the firearm for himself or herself or as a gift violates the law by maintaining a false ATF F 4473.

Question 9a is not applicable to returns of firearms, e.g., holders of pawn tickets or consignors of firearms. Accordingly, such transferees should answer Question 9a as "N/A."

2. Under 18 U.S.C. 922 firearms may not be sold to or received by certain persons. The information and certification on this form are designed so that a person licensed under 18 U.S.C. 923 may determine if he may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the transferee (*buyer*) of certain restrictions on the receipt and possession of firearms. This form should not be used for sales or transfers where neither person is licensed under 18 U.S.C. 923.
3. The permanent provisions of the Brady law, 18 U.S.C. 922(t), became effective on November 30, 1998. The law requires that prior to transferring any firearm to an unlicensed person, a licensed importer, manufacturer or dealer must first contact the National Instant Criminal Background Check System (NICS). NICS will advise the licensee whether the system contains any information that the prospective purchaser is prohibited by law from possessing or receiving a firearm. For purposes of this form, contacts to NICS include contacts to State agencies that have been designated to do NICS checks for the Federal Government.
4. **WARNING** - Any seller who knowingly transfers a firearm(s) to any person prohibited from receiving or possessing any firearm violates the law even though the seller has complied with the background check requirements of the Brady law.
5. The transferee (*buyer*) of a firearm should be familiar with the provisions of law. Generally, 18 U.S.C. 922 prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who has been convicted of a crime punishable by imprisonment for a term exceeding one year; by one who is a fugitive from justice; by one who is an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance; by one who has been adjudicated mentally defective or has been committed to a mental institution; by one who has been discharged from the Armed Forces under dishonorable conditions; by one who has renounced his or her U.S. citizenship; by one who is an alien illegally in the United States; by one who is subject to certain restraining orders; or by one who has been convicted of a misdemeanor crime of domestic violence. Furthermore, section 922 prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a crime punishable by imprisonment for a term exceeding one year.

EXCEPTION: For one who has been convicted of a crime for which the judge could have imprisoned the individual for more than one year, or has been convicted of a misdemeanor crime of domestic violence, the prohibition does not apply if, under the law where the conviction occurred, the individual has been pardoned for the crime, or the conviction has been expunged or set aside, or the person has had civil rights restored, AND the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing any firearms. Persons subject to one of these exceptions should answer "NO" to questions 9c or 9k, as applicable.

6. Under 18 U.S.C. 922, firearms may not be sold to or received by persons subject to a court order that: (A) was issued after a hearing of which the person received actual notice and had an opportunity to participate; (B) restrains such person from harassing, stalking or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

7. **DO YOU NEED A FIREARMS LICENSE?** - Under 18 U.S.C. 922 and 923, it is unlawful for a person to engage in the business of dealing in firearms without a license. A person is engaged in the business of dealing in firearms if he or she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. A license is not required of a person who only makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his or her personal collection of firearms.
8. Persons acquiring firearms for the purpose of exportation should be aware that the State Department or Commerce Department may require a license to be obtained prior to exportation.

INSTRUCTIONS TO TRANSFEREE (BUYER)

1. The transferee (*buyer*) of a firearm must personally complete Section A of this form and certify (*sign*) that the answers are true and correct. However, if the buyer is unable to read and/or write, the answers may be written by other persons, excluding the dealer. Two persons (*other than the dealer*) must then sign as witnesses to the buyer's answers and signature.
2. When the transferee (*buyer*) of a firearm(s) is a corporation, company, association, partnership or other such business entity, an officer authorized to act on behalf of the business must complete and sign Section A of the form and attach a written statement, executed under penalties of perjury, stating (A) that the firearm(s) is being acquired for the use of and will be the property of that business entity, and (B) the name and address of that business entity.
3. If the transfer of the firearm(s) takes place on a different day from the date that the purchaser signed Section A, then the licensee must again check the photo identification of the purchaser prior to the transfer, and the purchaser must complete the certification in Section C at the time of transfer.

INSTRUCTIONS TO TRANSFEROR (SELLER)

1. **KNOW YOUR CUSTOMER** - Before a licensee may sell or deliver a firearm to a nonlicensee, the licensee must establish the identity, place of residence, and age of the buyer. The buyer must provide a valid government-issued photo identification to the seller that contains the buyer's name, date of birth, and residence address. A driver's license or identification card issued by a State in place of a license is particularly appropriate. Social security cards are not acceptable because no address, date of birth, or photograph is shown on the cards.
2. **SALE OF FIREARMS TO ALIENS** - A transferee (*buyer*) who is not a citizen of the United States must provide additional identification in order to establish that he or she is a resident of a State. (*See Definition 6.*) Such a transferee must provide a valid government-issued photo identification to the seller that contains the buyer's name, date of birth, and residence address. In addition, such a transferee must provide documentation such as utility bills or lease agreements that would establish that he or she has resided in a State for at least 90 days prior to the date of this sale.
3. If the buyer's name is illegible, the seller must print the buyer's name above the name printed by the buyer in Item 1.
4. **NICS CHECK** - Prior to transferring a firearm to a nonlicensee, the licensee must contact the National Instant Criminal Background Check System (NICS) for a criminal background check on the transferee (*buyer*). After the purchaser has completed Section A of the form, and the licensee has completed Items 10 and 11, the licensee should contact NICS in accordance with the instructions received from ATF. At the time that NICS is contacted, the licensee should record in Item 12 the date of contact, the NICS (*or State*) transaction number, and any response provided by NICS. If the licensee receives a "delayed" response, the licensee must also record any subsequent response provided by NICS. **NOTE:** In some instances, States acting as points of contact for NICS checks may use terms other than "proceed," "delayed," or "denied." For example, a State may provide an "approve" response that is equivalent to a "proceed" response; a "pending" response that is equivalent to a "delayed" response; or a "non-approval" response that is equivalent to a "denied" response. In such cases, the licensee should check the box on the form that corresponds to the State's response. Licensees should also note that some States may not provide a transaction number for denials. However, in any case where a firearm is transferred within the three business day period, a transaction number is required.