

**CHAPTER 54  
FIREARMS AND WEAPONS**

**Authority**

N.J.S.A. 2C:39-1 et seq., 2C:58-2 et seq., N.J.S.A. 47:1A-1, and Executive Order No. 9 (Gov. Richard J Hughes, September 30, 1963).

**Source and Effective Date**

R.1996 d.579, effective November 18, 1996.  
See: 28 N.J.R. 4375(a), 28 N.J.R. 5181(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 54, Firearms and Weapons, expires on November 18, 2001.

**Chapter Historical Note**

Chapter 54, Weapons and Explosives, became effective prior to September 1, 1969 pursuant to Authority delegated at N.J.S.A. 2A:151-1 et seq. Subchapter 6 became effective September 3, 1971 as R.1971 d.158. See: 3 N.J.R. 158(a), 3 N.J.R. 207(a). Chapter 54, Weapons and Explosives was repealed and the new chapter, Firearms and Weapons, became effective October 6, 1986 as R.1986 d.413. See: 18 N.J.R. 51(a), 18 N.J.R. 2048(b). Pursuant to Executive Order No. 66(1978), Chapter 54 was readopted as R.1991 d.564, effective November 18, 1991. See: 23 N.J.R. 2250(a), 23 N.J.R. 3521(a).

Pursuant to Executive Order No. 66(1978), Chapter 54 was readopted as R.1996 d.579, effective November 18, 1996. See: Source and Effective Date.

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**SUBCHAPTER 1. FIREARMS IDENTIFICATION CARD AND PERMIT TO PURCHASE A HANDGUN**

**13:54-1.1 Firearms purchaser identification cards and permits to purchase handguns**

This subchapter prescribes the requirements and procedures for the issuance of firearms purchaser identification cards, permits to purchase handguns and the general rules for holders of such permits and identification cards.

**Case Notes**

Statute making falsifying answers on "any instrument required by law" in purchasing a firearm a State offense includes falsification on Federal as well as State forms; State has jurisdiction over offense involving Federal forms if offense occurred within the State's borders (citing former N.J.A.C. 13:54-5.8). State v. Pleva, 203 N.J. Super. 178, 496 A.2d 375 (App.Div.1985) certification denied 102 N.J. 323, 508 A.2d 203.

**13:54-1.2 Definitions**

The words and terms used in this chapter shall have the following meanings.

"Ammunition" means various projectiles, including bullets, missiles, slugs or balls together with fuses, propelling charges and primers that may be fired, ejected, projected, released, or emitted from firearms or weapons.

"Antique cannon" means any weapon which satisfies the definition of an antique firearm and which is also capable of firing a projectile of a caliber greater than .60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes.

"Antique firearm" means any firearm which is incapable of being fired or discharged, or which does not fire fixed ammunition regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.

"Assault firearms" means:

1. The following firearms:

- Algimec AGM1 type
- Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12"
- Armalite AR-180 type
- Australian Automatic Arms SAR
- Avtomat Kalashnikov type semi-automatic firearms
- Beretta AR-70 and BM59 semi-automatic firearms
- Bushmaster Assault Rifle
- Calico M-900 Assault carbine and M-900
- CETME G3
- Chartered Industries of Singapore SR-88 type
- Colt AR-15 and CAR-15 series
- Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- Demro TAC-1 carbine type
- Encom MP-9 and MP-45 carbine types
- FAMAS MAS223 types
- FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- Franchi SPAS 12 and LAW 12 shotguns
- G3SA type
- Galil type
- Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- Intratec TEC 9 and 22 semi-automatic firearms
- M1 carbine type
- M14S type
- MAC 10, MAC 11, MAC 11-9 mm carbine type firearms
- PJK M-68 carbine type
- Plainfield Machine Company Carbine
- Ruger K-Mini-14/5 and Mini-14/5
- SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- SKS with detachable magazine type
- Spectre Auto carbine type
- Springfield Armory BM59 and SAR-48 type
- Sterling MK-6, MK-7 and SAR types
- Steyr A.U.G. semi-automatic firearms
- USAS 12 semi-automatic type shotgun
- Uzi type semi-automatic firearms
- Valmet M62, M71S, M76, or M78 type semi-automatic firearms

Weaver Arm Nighthawk

2. Any firearm manufactured under any designation which is substantially identical to any of the firearms listed in paragraph (1) above;



3. A semi-automatic shotgun with either a magazine capacity exceeding six rounds, a folding stock or a pistol grip; or a semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds. For purposes of this paragraph, "semi-automatic" means a firearm which fires a single projectile for each pull of the trigger and is self-reloading or automatically chambers a round, cartridge or bullet. For purposes of this paragraph "pistol grip" means a well defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand;

4. A part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person.

"Body armor penetrating bullets" means any bullet designed for use in handguns and whose core or jacket, if the jacket is thicker than .025 of an inch, is of tungsten carbide or hard bronze or is made of other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale and is capable of breaching or penetrating body armor.

"Chief of police" or "chief police officer" means the highest ranking member of a municipal police department.

"Firearm or firearms" means any handgun, rifle, shotgun, machine gun, assault firearm, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas, or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

"Gunsmith" means a person who is in the business of repairing or servicing firearms.

"Handgun" means any pistol, revolver, or other firearm originally designed or manufactured to be fired by the use of a single hand.

"Large capacity ammunition magazine" means a box, drum, tube or other container which is capable of holding more than 15 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm.

"Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom.

"Manufacturer" means any person who receives or obtains raw materials or parts and processes them into firearms or finished parts of firearms, except a person who exclusively processes grips, stocks, and other nonmetal parts of firearms. The term does not include a person who repairs existing firearms or receives new and raw materials or parts solely for the repair of existing firearms.

"Person" means any individual, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural as well as the singular and any gender.

"Retail dealer" means any person, including a gunsmith, except a manufacturer or a wholesale dealer, who sells, transfers, or assigns for a fee or profit any firearm or parts of firearms or ammunition which he has purchased or obtained with the intention, or for the purpose of reselling or reassigning to persons who are reasonably understood to be the ultimate consumers, and includes any person who is engaged in the business of repairing firearms or who sells any firearm to satisfy a debt secured by the pledge of a firearm.

"Rifle" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

"Sawed-off shotgun" means any shotgun having a barrel or barrels of less than 18 inches in length measured from the breach to the muzzle, or a rifle having a barrel or barrels of less than 16 inches in length measured from the breach to the muzzle, or any firearm made from a rifle or a shotgun, whether by alteration, or otherwise, if such firearm as modified has an overall length of less than 26 inches.

"Shotgun" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.

"Superintendent" means the Superintendent of the New Jersey State Police.

"Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all:

1. Firearms, even though not loaded or lacking a clip or other component to render them immediately operable;
2. Components which can be readily assembled into a weapon;
3. Gravity knives, switch-blades, knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cestus or similar leather bands studded with metal filings or razor blades imbedded in wood; and

4. Stun guns and any other weapon or other device which projects, releases or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

“Wholesale dealer” means any person, except a manufacturer, who sells, transfers, or assigns firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumers, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms.

### **13:54-1.3 Firearm identification card or permit to purchase required**

(a) No person, other than a licensed or registered retail or wholesale dealer, shall receive, purchase or otherwise acquire a rifle, shotgun or antique cannon, other than an antique rifle or shotgun, unless that person possesses and exhibits a valid firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of a rifle, shotgun or antique cannon to a person other than a licensed or registered retail or wholesale dealer unless the buyer or receiver possesses and exhibits a valid firearms purchaser identification card. No person shall sell or acquire a sawed-off shotgun.

(b) No person, other than a licensed or registered retail or wholesale dealer shall receive, purchase or otherwise acquire a handgun unless that person possesses and exhibits a permit to purchase a handgun. No person shall sell, give, transfer or assign or otherwise dispose of a handgun to a person other than a licensed or registered retail or wholesale dealer unless the buyer or receiver possesses and exhibits a valid permit to purchase.

(c) The provisions of (a) and (b) above shall not apply to the Armed Forces of the United States, the National Guard or to a law enforcement agency; provided that such transactions are authorized in writing by the appropriate governmental entity as provided by this chapter.

### **13:54-1.4 Applications for a firearms purchaser identification card and for a permit to purchase a handgun**

(a) Every person applying for a firearms purchaser identification card or for a permit to purchase a handgun shall furnish such information and particulars as are set forth in the application form designated STS-33, in the case of an identification card, or STS 33A, in the case of a permit to purchase. Forms can be obtained from municipal police departments, State Police stations and licensed retail firearms dealers.

(b) The applicant shall waive any statutory or other right of confidentiality relating to institutional confinement.

(c) The applicant shall provide the names and addresses of two reputable citizens personally acquainted with him as references.

(d) The application shall be signed by the applicant and the completed application, together with two sets of the applicant's fingerprints and fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. (P.L. 1985, c. 69), a consent for mental health records search form designated STS-1 and a nonrefundable application fee of \$5.00 for a firearms identification card and \$2.00 for a permit to purchase a handgun, shall be submitted to the chief of police of an organized full time police department in the municipality in which the applicant resides. If the municipality does not have an organized full time police department, application shall be made to the State Police station servicing the municipality in which the applicant resides, or to any State Police station in the case of a non-resident.

(e) The chief of police of an organized full time police department of the municipality where the applicant resides, or the Superintendent, when the applicant is a non-resident of this State or when the municipality does not have a full time department, shall accept and investigate applications for firearms purchaser identification cards and permits to purchase handguns.

(f) The fingerprints of any applicant shall be compared with any fingerprints maintained by the State Bureau of Identification and the Federal Bureau of Identification for the purpose of ascertaining the existence of any criminal record. The fingerprints shall be obtained and submitted for such comparison by the chief of police or the State Police, as the case may be.

(g) An applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he or she was previously fingerprinted, and who provides other reasonable satisfactory proof of his or her identity, in the discretion of the chief of police or Superintendent, need not be fingerprinted again. In such case, the chief of police or superintendent shall otherwise fully investigate the application in accordance with this subchapter.

(h) Applicants for a permit to purchase a handgun may apply for more than one permit per application. The number of permits requested, and each permit number shall be entered in the spaces provided on the application.

(i) The chief of police or the Superintendent, as the case may be, shall either approve or disapprove the applications. Permits and cards shall be issued by the chief of police or the Superintendent to persons who are found to be qualified and who are not subject to any of the disabilities set forth by this subchapter.

3. No firearm, ammunition or imitation thereof shall be placed in any window or in any other part of the premises where it can be readily seen from the outside.

4. No rifle or shotgun, except antique rifles or shotguns, shall be delivered to any person, other than a licensed or registered retail or wholesale dealer or manufacturer, or a law enforcement agency as provided in this chapter, unless such person possesses and exhibits a valid firearms purchaser identification card and furnishes to the seller, on form NJSP 634, a certification signed by him setting forth his name, permanent address, firearms purchaser identification card number and such other information as the Superintendent may require. The certification shall be retained by the dealer and shall be made available for inspection by any law enforcement officer at any reasonable time.

5. No handgun shall be delivered to any person, other than a licensed or registered retail or wholesale dealer or manufacturer, or a law enforcement agency as provided by this chapter, unless:

- i. Such person possesses and exhibits a valid permit to purchase a handgun and at least seven days have elapsed since the date of application for the permit;
- ii. The person is personally known to the seller or presents evidence of his identity; and
- iii. The handgun is unloaded and securely wrapped.

6. The dealer shall keep a true record of every firearm sold, given or otherwise delivered or disposed of, in accordance with the provisions of this chapter.

7. The license holder no longer qualifies for the issuance of a permit to purchase a handgun or firearms purchaser identification card or poses a danger to the public health, safety or welfare.

8. The dealer shall comply with any other conditions regulating retail dealers as provided in this chapter.

9. Any person having knowledge that a person licensed pursuant to this chapter has violated any of the foregoing conditions or is otherwise unqualified to hold a license pursuant to the requirements of this chapter, may notify any law enforcement officer, who shall in turn notify the Superintendent, who may take such action as may be deemed appropriate.

#### **13:54-3.10 Renewal of retail dealers and employees licenses**

(a) An applicant for renewal of a retail dealer license shall follow all of the same procedures required for the issuance of an initial license, including completion of form NJSP 641 and submission of a consent for mental health records form STS 1. Such applications shall be accompanied by a nonrefundable fee of \$50.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. (P.L. 1985, c.69).

(b) In addition to the licensee, all licensed employees who engage in the purchase or sale of firearms, ammunition or engage in gunsmithing, must also submit renewal applications to continue transacting business on behalf of the licensee, including completion of form NJSP 641 and submission of a consent for mental health records form STS 1. Such applications shall be accompanied by a nonrefundable fee of \$5.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. (P.L. 1985, c.69).

(c) Retail dealers and employees of dealers applying for license renewal, at the time of such renewal, shall:

1. Continue to be qualified for the issuance of a permit to purchase a handgun or a firearms purchaser identification card as provided by this chapter;
2. Meet the standards and qualifications of the Superintendent; and
3. Not pose a danger to the public health, safety or welfare.

#### **13:54-3.11 Security required**

Each retail dealer shall install a system for the prevention and detection of the theft of firearms or ammunition from the business premises in accordance with N.J.A.C. 13:54-6.

#### **13:54-3.12 Requirements for sale of rifle, shotgun, antique cannon or receiver**

Every purchaser, other than a licensed or registered retail or wholesale dealer or manufacturer, or law enforcement agency as provided by this chapter, must present a valid firearms purchaser identification card to the dealer who is required to confirm the identity of the purchaser. The purchaser must also sign a certificate of eligibility (NJSP 634), filled out by the dealer or his licensed employee, for each rifle, shotgun, antique cannon or receiver purchased. The certificate shall indicate that the purchaser presently complies with all of the requirements for obtaining an identification card, and shall set forth the purchaser's name, address and identification card number. The certificate shall be retained by the dealer.

#### **13:54-3.13 Requirements for sale of a handgun or frame**

(a) Every purchaser, other than a licensed or registered retail or wholesale dealer or manufacturer, or law enforcement agency as provided by this chapter, must present a valid permit to purchase a handgun to the dealer who is required to confirm the identity of the purchaser. A permit is valid for the purchase of one handgun or receiver. The dealer is also required to adhere to the following procedures:

1. Complete and keep a form of register, which is part of the permit to purchase a handgun (designated SP-671) for each handgun sold and obtain the information sought by the form of register and obtain the signature and address of the purchaser in the purchaser's own handwriting;
2. Complete in a legible manner the permit to purchase a handgun in the space provided on the form;
3. Deliver the handgun unloaded and securely wrapped;
4. Forward the permit to purchase a handgun and form of register copies to the respective individuals, as noted on the forms, within five days of the date of sale. If the issuing authority is the State Police, both the original and the second copy of the permit to purchase and the form of register are to be forwarded to the State Police; and
5. Retain the form of register and make it available for inspection by any law enforcement officer at reasonable hours.

#### Case Notes

Administrative code section exception relating to "a licensed or registered retail or wholesale dealer" did not apply to a federally licensed dealer. *State v. Auringer*, 335 N.J.Super. 94, 761 A.2d 102 (N.J.Super.A.D. 2000).

#### 13:54-3.14 Permanent record of receipt and disposition of firearms and ammunition

(a) Every retail dealer of firearms or gunsmith shall maintain a permanent record of each firearm acquisition and disposition, including firearm frames and receivers. The record shall be maintained in a bound form and shall be kept at the location where the business is being conducted. The purchase or other acquisition of a firearm by the licensed dealer must be recorded no later than at the close of the next business day following the date of such purchase or other acquisition. The record shall show the date each firearm was purchased or otherwise acquired, the type, manufacturer, importer, caliber or gauge, model, name and address of the person from whom received, and the serial number of the firearm. The sale or other disposition of a firearm must be recorded by the licensed dealer not later than the close of the next business day following the date of such sale or disposition. The record shall show the date of sale or other disposition of each firearm, the name and address of the person to whom the firearm was transferred, and the type, manufacturer, importer, caliber or gauge, model and the serial number of the firearm. The information prescribed for the record required by this subchapter shall be in addition to the maintenance of the form of register SP 671 and the certificate of eligibility NJSP-634.

(b) Every retail dealer of ammunition shall maintain a permanent record of ammunition acquisition and disposition. The record of purchase or acquisition shall consist of invoices or other commercial records which shall be filed in an orderly manner separate from other commercial records maintained. Such record shall show the name of the manufacturer, the type, caliber or gauge, quantity of the ammunition acquired in the transaction, the date of each acquisition and from whom received. The record of sale or disposition shall be maintained in a bound form and shall contain the date of the transaction, name of manufacturer, caliber or gauge, quantity of ammunition sold, name, address and date of birth of purchaser, and identification used to establish the identity of purchaser. The dealer shall confirm the age of the purchaser of rifle and shotgun ammunition as 18, and handgun ammunition as 21. No record need be maintained for the sale or disposition of shotgun or rifle ammunition. However, sales or other dispositions of ammunition intended for use in any other firearm and which may be interchangeable between rifles and handguns, as well as hollow-nosed or dum-dum ammunition, must be recorded. The records shall be maintained in chronological order by date of acquisition and disposition and shall be kept at the location the business is being conducted.

(c) The firearms and ammunition acquisition and disposition record as prescribed under this section need not be required, provided the dealer maintains an updated Federal firearms and ammunition record on firearms or ammunition purchased or acquired and sold as prescribed in Title 26, Internal Revenue, Chapter 1 "Commerce in Firearms and Ammunition", and to the extent that the information required by this section is included on such records. If not included, then the Federal records are to be supplemented so as to include all information required by this section.

(d) Body armor penetrating bullets shall only be sold to a Federally licensed collector of firearms and ammunition who possesses a valid Collector of Curios and Relics License as defined in Title 18 U.S.C. sec. 921(a)(13) or to the Armed Forces of the United States or the National Guard, law enforcement agencies and licensed firearms dealers.

1. Collectors will be limited to the purchase or acquisition of not more than three rounds of each distinctive variation of cartridges. Distinctive variation includes a different head stamp, composition, design or color.

2. The seller shall record all sales of such ammunition including the name of the purchaser, the agency represented, the authorizing chief of police or other authorized law enforcement officer, or the highest ranking authorized military officer, the date, time and amount of ammunition.

3. All of the above information shall be forwarded to the Superintendent of the State Police within 48 hours of the sale or disposition.

**13:54-3.15 Sale of firearms to the military and to law enforcement officers**

Retail dealers licensed by this chapter may sell firearms to the Armed Forces of the United States, the National Guard and to law enforcement agencies. Retail dealers must maintain records of sale or disposition of firearms to any of the aforementioned entities or agencies. The records shall include the name of the entity or agency, and a written authorization of purchase on the official letterhead of the Superintendent, chief of police or the law enforcement officer or military officer officially authorized to make such purchases on behalf of the agency or governmental entity. The records shall specify the type, manufacturer, importer, caliber or gauge, model and serial number of each firearm purchased. The records shall also indicate the name and rank of the law enforcement or military officer authorized to make the purchase, including the date and time of the sale or disposition. The dealers shall maintain such records for inspection by law enforcement officers at reasonable hours. Sales of assault firearms and machine guns shall be in accordance with N.J.A.C. 13:54-5.1 and copies of records of such sales shall be forwarded to the Superintendent within 48 hours of the sale.

**13:54-3.16 Records available to Division of State Police**

Records are to be retained by the dealer and shall, for administrative and law enforcement purposes, be made available for inspection during reasonable hours to any member of the Division of State Police.

**13:54-3.17 Records to Superintendent**

Upon discontinuance, termination, expiration or revocation of a retail dealer license, the retail dealer license and any employee licenses shall be forwarded to the Superintendent within five business days.

**13:54-3.18 Appeal**

Any person making application for a retail dealer license, who is denied approval by a Superior Court judge of the county wherein the application was made, may file an appeal in accordance with law.

**SUBCHAPTER 4. WHOLESALE DEALERS,  
MANUFACTURERS AND WHOLESALE  
DEALERS AGENTS AND EMPLOYEES**

**13:54-4.1 General provisions**

This subchapter prescribes standards and qualifications for registration of wholesale dealers and manufacturers of

firearms and the rules for holders of registration certificates to conduct business. This subchapter also provides for the licensing of wholesale dealers' agents and employees.

**13:54-4.2 Registration required**

No person shall manufacture or sell at wholesale any firearm or part of a firearm unless he has been registered by the Superintendent under the provisions of this chapter.

**13:54-4.3 Application for a certificate of registration**

(a) Every person, partnership or corporation applying for a certificate of registration shall furnish such information and particulars required by the applications forms designated STS 280 and 280A. The forms may be obtained from the Firearms Investigation Unit, Division of State Police, Box 7068, West Trenton, New Jersey 08625. All corporations applying for registration shall, in addition to the applications, submit a valid copy of the most recent certificate of incorporation, or such other documentation establishing the corporation as a legal entity.

(b) Any person who possesses an actual or equitable controlling interest in the applicant shall complete the necessary application form and shall be fingerprinted.

(c) The completed application together with two sets of the applicant's fingerprints, a consent for mental health records search form STS-1, and a nonrefundable fee of \$150.00 payable to the Superintendent, in addition to the fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. (P.L. 1985, c.69), shall be submitted to the Superintendent.

**13:54-4.4 Standards and qualifications**

(a) Every individual proprietor, every member of a partnership and every officer and director of a corporation, registered as a wholesale dealer and/or manufacturer of firearms shall be over the age of 21 and shall possess the qualifications required to obtain a permit to purchase a handgun or a firearms purchaser identification card as provided in this chapter.

(b) No wholesale dealer or firearms manufacturer registered as provided in this subchapter shall permit any wholesale dealer's agents, employees or other persons to engage in the purchase or sale or offering for sale of firearms or finished parts of firearms, unless such agents, employees or persons are over the age of 18 and are licensed by the Superintendent. Such persons must submit to the Superintendent completed application form NJSP 641, two sets of fingerprints and consent for mental health records search form STS-1. The Superintendent shall issue licenses to such persons if they qualify to obtain a permit to purchase a handgun or to possess a firearms purchaser identification card as provided in this chapter, and would not pose a danger to the public health, safety or welfare. A nonrefundable fee of \$5.00 shall be paid by the employer to the

Superintendent for each agent, employee or person in addition to the fees established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. (P.L. 1985, c.69).

(c) An employee who is licensed by the Superintendent to engage in the purchase, sale or manufacture of firearms is licensed until such time as he or she terminates his or her employment with the wholesale dealer or manufacturer or becomes disabled as provided in this chapter.

(d) Should an employee be transferred from his or her licensed location to another location, by the same registered employer, that employee shall apply for a transfer of his or her employee license by submitting application form NJSP 641, consent for mental health records search form STS-1, and shall surrender his or her current employee license to the Superintendent.

(e) A wholesale dealer and/or manufacturer shall, within five days, return to the Superintendent any employee license for an employee who has been terminated, transferred or has become disqualified as provided by this chapter.

(f) No wholesale dealer and/or manufacturer shall conduct a business in a mobile or temporary facility ("Mobile" meaning a facility easily moved from one location to another. "Temporary" meaning not having indicia of permanency). A temporary facility includes, but is not limited to, places for garage sales, flea markets, gun shows and exhibits.

#### 13:54-4.5 Exemptions for physical handicap

A physical handicap shall not disqualify an applicant to be registered as a wholesale dealer or manufacturer of firearms or an applicant to be licensed as an employee unless such handicap would make it unsafe for the applicant to handle firearms or would interfere with the activities of the applicant or employee to the extent that it would endanger the public health, safety and welfare.

#### 13:54-4.6 Exceptions for corporations

(a) A public corporation whose stock is listed on a major stock exchange at the time of the filing of an application for registration as a wholesale dealer and/or manufacturer of firearms, shall not be required to furnish the personal data as set forth in the application form STS-280, for officers or directors of such corporation or for the stockholders of such corporation, unless such officers, directors or stockholders directly engage in the sale or purchase of firearms for the corporation.

(b) A certification shall be filed by the member or members holding an actual or equitable controlling interest in each corporation or partnership certifying that such member(s) shall take the appropriate action to inform all employees directly engaged in the sale, purchase or manufacture of firearms or ammunition of the pertinent laws and regulations governing the sale, purchase and manufacture of such firearms or ammunition.

#### 13:54-4.7 Certification; security required

(a) The Superintendent of State Police shall cause the applicant for registration to be investigated and either approve or deny the application. The application shall be approved if the Superintendent is satisfied that the applicant can be permitted to engage in business as a wholesale dealer of firearms without any danger to the public safety, health or welfare, and if the applicant would qualify for the issuance of a permit to purchase a pistol or a firearms purchaser identification card. If the application is approved, the Superintendent shall issue a certificate of registration to wholesale and/or manufacture firearms or parts of firearms.

(b) Each registrant as a wholesale dealer and/or manufacturer shall install a system for the prevention and detection of the theft of firearms from the business premises in accordance with the provisions of N.J.A.C. 13:54-6.

#### 13:54-4.8 Duration of certificate of registration

A certificate of registration shall expire three years from the date of issuance. If a certificate of registration is renewed, it shall be effective for three years from the date of the expiration of the initial or most recent application.

#### 13:54-4.9 Renewal of certificate of registration and agents' and employees' licenses

(a) An applicant for renewal of a certificate of registration shall follow the same procedures as required for the issuance of initial registration, including completion of forms STS 280 and 280A and a consent for mental health records form STS 1. Renewal application(s) shall be accompanied with a nonrefundable fee of \$150.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. (P.L.1985, c.69).

(b) In addition to the registrant, all licensed employees who engage in the purchase or sale of firearms or parts of firearms must also submit renewal applications on form NJSP 641 and a consent for mental health records form STS 1 in order to transact business on behalf of the registrant. Such applications shall be accompanied by a nonrefundable fee of \$5.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 3:1-20.5 et seq. (P.L.1985, c.69).

(c) Wholesale dealers and manufacturers and employees of such persons applying for renewal of a certificate of registration or license renewal, at the time of such renewal shall:

1. Continue to be qualified for the issuance of a permit to purchase a handgun or a firearms purchaser identification card;
2. Meet the standards and qualifications of the Superintendent; and