

of Identification (SBI) "Request For Criminal History Record Information For A Non Criminal Justice Purpose" form, and submits the required fee for processing such form established by N.J.A.C. 13:59. If the applicant disputes the results of the criminal history records check, or the check reveals a discrepancy relating to the applicant, the individual shall be required to submit fingerprints for verification of identity.

(b) An applicant for renewal of a retail firearms dealers license need not submit additional proof of zoning compliance to the Superintendent. Dealers are nevertheless required to notify the Superintendent within 48 hours of receiving written notice from the local zoning official or other competent authority that they are not in compliance with such local zoning requirements. The failure of a retail dealer to comply with this notification requirement may result in the revocation of the registration or license of such dealer.

(c) An applicant for renewal of a retail firearms dealers license shall follow all other procedures required for the issuance of an initial license, including completion of form SP 649 and submission of a consent for mental health records form SP 66. 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.

(d) The employee's license is valid, only so long as the employer's retail dealer license is valid, and therefore employees' licenses must be renewed simultaneously with the employer's license. To this end, 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 SP 649 and submission of a consent for mental health records form SP 66. 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. The applicant shall also complete a request the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form, and submit the required fee for processing such form established by N.J.A.C. 13:59.

(e) 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.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Added (a) and (b); recodified former (a) through (c) as (c) through (e); and rewrote (c) and (d).

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

In addition to complying with the other requirements of this chapter, the retail dealer shall, prior to the sale or transfer of a rifle, shotgun, or receiver, initiate a NICS check with the Division of State Police as defined in 27 CFR 478.11, which is incorporated by reference herein, as may be amended and supplemented.

Amended by R.2001 d.246, effective July 16, 2001.

See: 33 N.J.R. 763(a), 33 N.J.R. 2491(a).

Added the last sentence.

Repeal and New Rule, R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

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 in this chapter, shall present a valid permit to purchase a handgun to the dealer, who shall confirm the identity of the purchaser. A permit is valid for the purchase of one handgun or receiver. The dealer shall 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;
5. Retain the form of register and make it available for inspection by any law enforcement officer at reasonable hours; and
6. In addition to complying with the other requirements of this chapter, the retail dealer shall, prior to completing the sale or transfer of a handgun or frame, initiate a NICS check with the Division of State Police as defined in 27 CFR 478.11, which is incorporated by reference herein, as may be amended and supplemented.

Amended by R.2001 d.246, effective July 16, 2001.

See: 33 N.J.R. 763(a), 33 N.J.R. 2491(a).

Added (a)6.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In introductory paragraph of (a), substituted "in" for "by", "shall" for "must" following "chapter," "dealer, who shall" for "dealer who is required to", and "dealer shall" for "dealer is also required to"; and rewrote (a)6.

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 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. 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. The dealer shall, in the case of a transfer of a handgun to an individual, note that the handgun was accompanied by a trigger lock or a locked case, gun box, container or other secure facility, provided, however, this provision shall not apply to antique handguns.

(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 records 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 to be at least 18, and handgun ammunition to be at least 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) No person shall sell, give, transfer, assign or otherwise dispose of body armor penetrating bullets except 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. §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. If the sale or disposition was to a law enforcement agency, the record shall also include the written authorization of the chief of police or highest ranking official of the agency.

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

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), inserted the third and last sentences; in (b), substituted "to be at least 18" for "as 18" and "to be at least 21" for "as 21"; rewrote the introductory paragraph of (d), and in (d)2, inserted the last sentence.
Petition for Rulemaking.

See: 42 N.J.R. 2500(a), 2996(a).