

NFA / Title 2 / Class 3 Weapon FAQ

There are a lot of misconceptions about firearms laws and your rights. It is our opinion, as was that of our founding fathers that our rights are not given by the government, but are secured by it. While we may disagree with these laws, our responsibility is to change them at the polls, not to break them. The following questions are posted here to help you understand what is legal. We are not lawyers, and you will need to consult an attorney for precise legal answers. The following are intended as guides and are our understanding of the legal issues as we see them. If you need more details, contact us or a legal professional.

Q: I see a sign in your store about civilian legal silencers. Are silencers legal?

A: As a resident of Georgia, you can legally own a silencer. Georgia has no prohibition on the ownership of silencers. The only prohibition on their use is that you cannot use a silencer for hunting in Georgia. So, you are only limited by federal law. The National Firearms Act was enacted in 1934. The NFA limits ownership of silencers to those registered to the owner in the NFA database. To get a silencer registered to you, you purchase a silencer from an NFA dealer who should assist you in filling out a few pages of paperwork (ATF Form 4 you can see one at <http://www.atf.gov/forms/pdfs/f53204.pdf>) Next you get a Chief Law Enforcement Officer (your sheriff, police chief, or state police commander) to sign that you are not under indictment, and send Form 4 along with fingerprint cards and passport photos to the ATF. You also have to send in \$200 for a tax stamp. The dealer will retain possession of your silencer until your Form 4 is approved and returned. The ATF will approve this (6-10 weeks) and return it to your dealer who will contact you to pick up your form and silencer. You then are legal to own that silencer. The registration is one-time for that specific silencer and no other tax is required for continued ownership. The process is the same for most states that allow silencers.

Q: What states allow for ownership of silencers?

A: The following states allow ownership of silencers by civilians: AL, AR, AK, AZ, CO, CT, FL, GA, ID, IN, KY, LA, ME, MD, MS, MT, NE, NV, NH, NM, NC, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WI, and WY. A few other allow for ownership of silencers by dealers and manufacturers only: CA, IA, KS, MA, MO, and MI. The 9 wacky states that do not allow for ownership at all don't deserve to even have their abbreviations listed on my website.

Q: What states allow for ownership of machine guns?

A: First off, let's define a machine gun. Two and three round burst firearms are considered machineguns. Any caliber is considered a machinegun if it meets the requirements. Submachinegun is a term for machineguns of pistol calibers but are still defined as machineguns. **The ATF defines a machinegun as any firearm that fires more than one round with a single pull of the trigger. Further, 26 U.S.C. section 5845(b)), says "any part designed and intended solely and exclusively . . . for use in converting a weapon into a machinegun" is a machinegun.**

Q: What states allow for ownership of machineguns?

A: The following states allow ownership of machineguns by civilians: AL, AR, AK, AZ, CO, CT, FL, GA, ID, IN, KY, LA, MA, ME, MD, MS, MT, NE, NV, NH, NM, NC, NJ, ND, OH, OK, OR, PA, SD, TN, TX, UT, VA, VT, WA, WI, WV and WY. A few other allow for ownership of machineguns by dealers and manufacturers only: CA, IA, MI, MO, and MI. Many states have restrictions on ownership above the federal law, and some jurisdictions within a state may have bans. Do some research with a local firearms dealer to be sure what the laws are in your jurisdiction.

Q: What is a Class 3 firearm?

A: The term "Class 3" is the most misunderstood term in the industry. "Class 3" is a classification of SOT. It is not a license, a firearm designation, or gun type. It is a tax classification. The most common FFL types are 1 and 7. A type 1 FFL is a dealer in firearms. A type 7 FFL is a manufacturer of firearms. The major difference is the type 7 can manufacture guns. To be able to sell NFA firearms, the dealer must pay a Special Occupational Tax to the Department of Revenue. A Class 3 SOT is for a dealer in NFA firearms. A Class 2 SOT is a manufacturer of NFA firearms. The term Class 3 as commonly misused should usually be replaced with NFA, or Title 2 firearm. Title 2 firearms are those regulated by the National Firearms Act of 1934.

Q: What is required to legally own a machine gun?

The requirements and process are the same for machineguns and other NFA weapons as they are for silencers. Purchase the weapon from an NFA dealer, complete Form 4 and send it to ATF with your \$200. Note that while there are no additional fees or paperwork required for continued ownership of NFA weapons there are some special rules that apply to them. A copy of your Form 4 must always accompany the weapon. You should make several copies and put the original in protected storage like a safe deposit box. Only keep a copy with the weapon. You can't lend your NFA weapon to anyone. You must always be physically present when it is used. You can't transport it across state lines without prior notification of the BATF. If you decide to sell it you will need to do so through an NFA dealer and the purchaser must go through the same steps you did to obtain a tax stamp prior to taking possession of the weapon. Your dealer will explain all the rules that will keep you on the right side of the law and allow you to fully enjoy ownership of your NFA weapon. If you have questions about NFA / Title 2 / Class 3 weapon ownership we will be happy to answer them. Give us a call, email or stop by the store.