

## **ATF RULING 2002-6**

18 U.S.C. 923(i): LICENSING

26 U.S.C. 5842: IDENTIFICATION OF FIREARMS

27 CFR 179.102: IDENTIFICATION OF FIREARMS

27 CFR 178.92: IDENTIFICATION OF FIREARMS, ARMOR PIERCING AMMUNITION, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES

In accordance with 27 CFR 178.92 and 27 CFR 179.102, identification of firearms, armor piercing ammunition, and large capacity ammunition feeding devices, the terms "conspicuously" and "legibly" as used therein mean, respectively, that the markings are wholly unobstructed from plain view and that the markings contain exclusively Roman letters and Arabic numerals.

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The Bureau of Alcohol, Tobacco and Firearms (ATF) has been asked by State and local law enforcement officials to trace firearms that are marked, in part, with non-Roman letters, and/or non-Arabic numbers. Specifically, ATF received a request to trace a Makarov type pistol made in Bulgaria. The original manufacturer marking was ИМ 18 355. Because the importer did not stamp the firearm with a unique identifier that could be recognized by either ATF or a State or local law enforcement official, and because the marking contained a Cyrillic character, the firearm was not properly recorded, resulting in a failed trace of the weapon.

Because markings with non-Roman characters or non-Arabic numbers are not easily recorded or transmitted through ordinary means by importers,

dealers or distributors, many firearm traces have proved unsuccessful. In some cases, an importer attempts to translate portions of the markings into Roman letters and Arabic numbers and re-marks the weapon with "translated" symbols. For example, an imported SKS rifle was marked with the serial number ДМ7639И. The importer translated the marking as LM7639i but rather than restamp the entire number merely added the letters "L" and "i" below the original markings. This practice often results in failed traces because those required to record the markings (importers, dealers, or distributors) may record only the translated portions or both sets of markings. Moreover, law enforcement recovering a firearm with such markings may submit a trace request lacking some portion of the markings, further impeding efforts to successfully trace the firearm.

In addition, ATF has found that some traces have failed because the required markings on the firearms barrel were wholly or partially obstructed from plain view by a flash suppressor or bayonet mount, resulting in the Federal Firearms Licensee creating an inaccurate record. ATF has been unable to trace hundreds of firearms as a result of nonstandard or obscured markings.

As a result of these practices, some licensed importers may not be in compliance with the marking requirements set forth in 27 CFR 178.92 and

27 CFR 179.102 because they have marked using non-Roman letters (such as Greek or Russian letters, Δ or Д) or non-Arabic numbers (e.g., XXV).

The above regulations require markings that legibly identify each item or package and require that such markings are conspicuous. ATF has consistently taken the position that "legibly" marked means using exclusively Roman letters (A, a, B, b, C, c, and so forth) and Arabic numerals (1, 2, 3, 4, 5, 6, and so forth), and "conspicuous" means that all required markings must be placed in such a manner as to be wholly unobstructed from plain view. These regulations apply to licensed manufacturers and licensed importers relative to firearms, armor piercing ammunition, and large capacity ammunition feeding devices, and to makers of National Firearms Act firearms.

Firearms, armor piercing ammunition, and large capacity ammunition feeding devices which contain required markings or labels using non-Roman letters (such as Greek or Russian letters, Δ or Д) or non-Arabic numbers (e.g., XXV), must be completely remarked or relabeled with a new serial number or other required markings that satisfy the legibility requirements described above. It is not sufficient to simply add an additional Roman letter or Arabic numeral to a nonconforming marking; a new and unique marking

using Roman letters and Arabic numerals is required. Where feasible, the new markings should be placed directly above the non-compliant markings.

Similarly, firearms and large capacity ammunition feeding devices which contain required markings obstructed in whole or in part from plain view must be remarked with required markings that satisfy the conspicuousness requirements described above. For example, required markings may not be placed on a portion of the barrel where the markings would be wholly or partially obstructed from view by another part of the firearm, such as a flash suppressor or bayonet mount.

In certain unavoidable circumstances owing mainly to firearms of unusual design or other limiting factor(s) which would limit the ability of the manufacturer or importer to comply with the above legibility and conspicuousness requirements, alternate means of identification may be authorized as described in 27 CFR 178.92(a)(3)(i), (ii), or (iii) and 27 CFR 178.92(c)(3)(ii).

Held, a Makarov type pistol imported from Bulgaria utilizing Cyrillic letters or non-Arabic numbers is not marked in accordance with 27 CFR 178.92 and 27 CFR 179.102.

Held further, an imported firearm with any part of the required marking partially or wholly obstructed from plain view is not marked in accordance with section 27 CFR 178.92 and 27 CFR 179.102.

Date signed: November 5, 2002